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*** The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.

Contents.

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CURRENT TOPICS.

THE FIRST MEETING of the Rule Committee to consider the draft consolidated and revised Rules of Court was held last week.

IT APPEARS that the proposed treaty with the United States provides for the appointment of two British arbitrators, who are to be lawyers of judicial standing. It is earnestly to be hoped that it is not contemplated to take any judges of the Supreme Court from their duties for this purpose; the result would be deplorable to the suitors. Lord HERSCHELL, Lord DAVEY, or Lord HOBHOUSE would appear to fulfil the requirements of the treaty.

LORD ESHER took occasion to say, in the course of his speech at the Mansion House on Monday, that he had "attended that dinner, and testified his admiration of the Lord Mayor, on twenty-four different occasions, and he was there that day for the last time"; and forthwith the daily journals have rushed to the conclusion that the retirement of the learned judge is imminent, and have occupied themselves with speculations as to his successor. Lord ESHER did not say that he attended for the last time in the capacity of Master of the Rolls. He may have meant that, or he may have meant only that to a man of over eighty years of age attendance at the Lord Mayor's banquet is not an altogether safe amusement.

JUDICIAL COMPLIMENTS on the mode in which justice is administered in the City of London have been rather rife this week. On the 9th inst. a divisional court refused an application, made by the defendant in a case awaiting trial at the Central Criminal Court for removing into the Queen's Bench an indictment found against him at the whole Old Bailey for an alleged offence under section 13 of the Debtors Act, on the ground that it could not properly be tried there. GRANTHAM, J., in discharging the rule, said that the case could be placed in the judges' list, although either the Recorder or the Common Serjeant were well qualified to try criminal cases. As to the jury, in his opinion, there was no better tribunal than an Old Bailey jury for trying a case of this sort. It was equal to a special jury and quite as likely to take a view favourable to the defendant as any jury that could be summoned in the High Court. On

the same day HAWKINS, J., when addressing the Lord Mayor, also referred in terms of the highest praise to the able and impartial manner in which justice was administered within the City. It was certainly remarkable that such a tribute should have been given on the same morning by two judges of the Queen's Bench Division.

CONCERNING that wonderful aggregate of 223 sittings attributed to Sir HENRY HAWKINS in the Civil Judicial Statistics for 1894, to which we drew attention last week: while this great record may spur on to renewed efforts his colleagues on the bench, one cannot help feeling that there is a mystery and a difficulty attaching to it. It is difficult to see how the other judges can surpass the figure, and it is a mystery how it was achieved. The total number of days included in the legal sittings for 1894 was 216. Occasionally it may be that sittings on circuit overlap the regular sittings, but we believe this is not a matter of frequent occurrence. It appears, however, that, assuming the learned judge to have sat on every day of the legal sittings—though it is rumoured that there are circumstances which render the assumption unsafe—he also gave seven extra days on circuit. On referring again to the statistics, however, we find the following somewhat ominous note appended to the table in question: "In some instances the number of days of sitting in 1894 had not been recorded and could not be ascertained, and in other cases the figures furnished were estimated from the best available materials." Perhaps, then, we are to take it that the record of Sir HENRY HAWKINS is only an estimate after all, and that it is an estimate made without sufficient regard to such interruptions as inevitably detain judges from the bench—the interruptions of Sundays, and, possibly, some other days.

AS WE ANTICIPATED last week, the point which has vexed the minds of London cabmen during the recent strike has been decided against them. The yard of a railway station has been held, in *Reg.* v. *Bennett*, to be a "place" within the meaning of section 17 (2) of the Hackney Carriage Act, 1853; and the driver of a hackney carriage is, consequently, bound to drive a hirer inside the station yard when requested to do so, and is subject to penalties if he does not. The driver in the case in question refused, when requested, to drive his "fare" inside the gates of Euston Station, and deposited her outside, in spite of remonstrances. His contention was that the station yard was the private property of the railway company, and was not a "place" within the limits of the Act. The Divisional Court held, on the authority of *Clarke* v. *Stamford* (19 W. R. 846, L. R. 6 Q. B. 357)—to which we drew attention—that the station yard was a "place" within the meaning of the Act, and that the appellant was rightly convicted and fined for his refusal to drive into it. So little doubt had they, that they refused to grant a rule *nisi* for a *mandamus* to the police magistrate who had imposed the fine. There seems to be no doubt of the correctness of this decision, and it will put a stop to the inconvenience from which passengers in cabs to London railway staions have recently suffered.

IT IS JUST ten years ago since the late Lord COLERIDGE, in greeting the newly-elected Lord Mayor in the Lord Chief Justice's Court, gave utterance to views as to the future of the Corporation of the City of London which could not have been exactly to the taste of the civic functionaries assembled to receive the judicial welcome. "That sooner or later," he said, "the City will be merged in that greater London no one who reads the signs of the times, no thoughtful mind, can for a moment doubt," and he added a suggestion that the initiative step in the process of fusion should be taken by the City itself in the person of the Lord Mayor. The late Chief Justice, as a careful prophet, assigned no particular time for the fulfilment of his prophecy, and the political movement to which he alluded cannot be said to have advanced by leaps and bounds since 1886. The subject was, however, uppermost in the mind of Lord RUSSELL OF KILLOWEN when, in 1894, he for the first time addressed the Lord Mayor from the judicial bench: he, too, felt the claims of the greater London to share in the government of the City around which it centres—perhaps we may say, to share also in the glory of its festivities and shows—and he lamented that there was no community of government between greater London and the City, although there were civil interests common to both. In expressing his hopes for the future he was a little more guarded than his predecessor—"My Lord," he said, "we know not what changes the wisdom of Parliament, which to-day means the will of the people, may have in store for your ancient corporation." Changes in the political atmosphere have taken place since the present Lord Chief Justice so addressed the Lord Mayor; and the wisdom of Parliament does not at present seem anxious to disturb the ancient corporation. Last Monday Sir HENRY HAWKINS (on whom devolved the duty of receiving the Lord Mayor, owing to the absence of his Chief on circuit) indulged in no prophecies, but he expressed himself in words which, however acceptable to his audience, were not in strict accordance with the precedents to which we have alluded. "May the City of London flourish!" he said, in a fine burst of enthusiasm, and he added "unscathed by the revolutionary hand of any insatiable but unimproving reformer." But perhaps the latter words may be treated as an *obiter dictum* only; the precedents of 1886 and 1894 had not been cited to his lordship and must not be taken to have been present to his mind.

WE PRINT in another column a letter from a correspondent raising the question whether a receipt indorsed on a mortgage to a friendly society, which, under section 53 of the Friendly Societies Act, 1896, has the effect of a reconveyance, is exempt from stamp duty. The argument in favour of exemption turns on the provisions of section 33, which, after enumerating certain specific exemptions, concludes with a clause exempting "policy of insurance, or appointment or revocation of appointment of agent, *or other document required or authorized by this Act or by the rules of a registered society or branch.*" The effect of the corresponding words in 18 & 19 Vict. c. 63 was considered in *Re Royal Liver Friendly Society* (L. R. 5 Ex. 78), where it was contended that they authorized the exemption from stamp duty of a transfer of a mortgage to a friendly society. The transfer, it was said, was authorized by the Act, and consequently the document effecting the transfer was itself authorized by the Act, and was entitled to exemption. But the court (KELLY, C.B., and MARTIN and PIGOTT, B.B.) rejected this construction, mainly upon the ground that it would necessarily extend the exemption to mortgages originally created in favour of friendly societies, and so save the mortgagor, and not the society, from payment of duty. It was considered that the exemptions were only meant to apply to small matters arising in the course of the management of the society, and not to benefit persons dealing with the society. It was held, accordingly, that the general words must be restricted on the *ejusdem generis* principle, and that the exemption only extended to acts, such as a power of attorney, which were in a manner exclusively the acts of the society, or of its officers and members in relation to it and to one another. The case of a receipt indorsed on a mortgage, seems to be stronger than that of the creation of a mortgage; for not only does the Act authorize the discharge of the mortgage, but it specifies, and therefore authorizes, the receipt as the appropriate method of discharging it and effecting a reconveyance. On the other hand, it may be said that the Act only gives to the receipt a special effect, and that it does not "authorize" it for the purpose of the exemption any more than it authorizes any other document, such as a mortgage deed, appropriate for carrying out an authorized transaction. The exemption, moreover, operates in favour of the mortgagor, and not of the society. *Primâ facie* it would seem that an indorsed receipt is exempted, and our correspondent admits that this is the accepted construction of the corresponding exemption in section 41 of the Building Societies Act, 1874. But the reasoning of the judgments in *Re Royal Liver Friendly Society* appears to tend to the opposite view.

AN ASSISTANT overseer in a rural parish is, in some respects,

an unfortunate person. He has too many masters. In the first place he is now appointed (and his appointment may be revoked) by the parish council, and he must for some purposes be considered as an officer of that council. In fact, as to assistant overseers existing when the Local Government Act, 1894, came into operation, it is expressly enacted that they shall become the officers of their parish councils (see s. 81 (3)). He is also in a large number of rural parishes the clerk of the parish council; but this is a separate office from that of assistant overseer and carries with it an additional remuneration. The parish council in appointing an assistant overseer prescribes the duties which he is to perform: these may include all or any of the duties of the overseers, and they almost invariably include the collection of the poor-rate. But having appointed him and prescribed his duties, the parish council have no more to do with the assistant overseer as such, unless they should see fit to revoke his appointment. He is the assistant of the overseers so far as their duties are to be performed by him, and for some purposes they must be considered as his masters; they certainly exercise supervision over his performance of their duties. But when the assistant overseer misappropriates money which he has collected to satisfy the demands made by the poor law guardians upon the parish, and it is desired to prosecute him, the question, Whose servant is he? assumes a serious importance. The offence—if it is anything—is embezzlement; and in a prosecution for embezzlement under the Larceny Act, 1861, it is necessary to allege in the indictment, and to prove, that the prisoner was the servant of the person or body whose moneys he has appropriated to his own use. Now, the money in this case is not the money of the overseers: it is collected by them or by their assistant in order to pay the debt of the parish to the guardians. It was accordingly held in *Reg.* v. *Sampson* (1 Cox C. C. 355) and *Reg* v. *Carpenter* (L. R. 1 C. C. R. 29) that, in such an indictment, the assistant overseer is properly described as the servant of the inhabitants of the parish, and not as the servant of the overseers; and that the moneys embezzled were rightly alleged to be the moneys of those inhabitants. In the recent case of *Reg.* v. *Smallman* (reported on another page) it was attempted to establish that the assistant overseer is now the servant of the parish council, and not of the inhabitants. But the answer is that the Local Government Act, 1894, while transferring the power of appointment to the office from the vestry and the justices to the parish council, has in no way altered the duties to be performed by the assistant overseer, and that he remains the servant of the inhabitants. It is clear that the moneys he collects are in no sense the moneys of the parish council; and the result of holding differently would have been to make it impossible to prosecute an assistant overseer for embezzlement at all; for, if he were the servant of the council, and the moneys were not the moneys of the council, the case would not be hit by the section of the Larceny Act which deals with embezzlement. A defaulting assistant overseer cannot ride off free in this way. For "embezzlement purposes" he is the servant of the inhabitants whose money he collects. But he probably feels that he is also in the service of the council, who can remove him from office, and of the overseers, whom he assists in the performance of their duties.

The Licensing Act, 1874 (section 9), makes any person liable to a penalty who sells any intoxicating liquor upon licensed premises during the time at which such premises are directed to to be closed, or who allows any such liquor, although purchased before closing hours, to be consumed on the premises during such time. Section 10, however, provides that nothing in the Act shall preclude a person licensed to sell liquor to be consumed on the premises from selling liquor at any time to persons lodging in his house. Is a publican, under this provision, justified in selling liquor after closing hours to lodgers to be consumed by other persons who are not lodgers? This question came before a divisional court last week in the case of *Cope* v. *Landles* and the court decided that a publican is entitled to sell liquor after hours to his lodgers for the use of their guests. The question seems to have been already clearly answered by the court to the same effect in the case of *Pine* v. *Barnes* (36 W. R. 473, 20 Q. B. D. 221). The facts proved in that case shewed that a certain person had given a dinner to some friends in a licensed house in which he was lodging. After closing hours he and his friends were found by the police consuming intoxicating liquors in the house, and the holder of the licence was thereupon proceeded against under section 9 for allowing liquor to be consumed on his premises during the time the premises were required to be closed. The magistrates convicted on the ground that if such practices were allowed "it might open the door to a constant evasion of the spirit of the Act," but they stated a case. The High Court held that the justices had no right to decide the question upon such grounds, and that they ought not to convict when the evidence shewed that the publican honestly sold, and the lodger honestly bought, the liquor in order that it should be consumed by the *bonâ fide* guests of the lodger. It is quite clear that the justices have full power to deal with any attempt to abuse this privilege of the publican, for if the evidence justifies such a finding, they can find as a fact that the persons present after hours were not really the guests of the lodger, and then there can be little doubt that the High Court would uphold a conviction. It will be noticed that section 10 only permits the *sale* of liquor to a lodger after hours, and says nothing as to when the liquor may be drunk. It has been suggested, therefore, that although he may sell the liquor to a lodger after closing hours, the publican must not allow him to drink it after such hours. This argument is manifestly absurd, and if it may be drunk by the lodger it clearly may be drunk by his friends.

We took occasion last June to call attention to the citation of American cases in English courts. The *Harvard Law Review* for October presents the case from the American point of view, as follows: "The part which American decisions ordinarily play in the English courts is so insignificant that it is surprising to find one of them actually mentioned in the headnote of an English case. The reporter's syllabus of *Kennedy* v. *Trafford* (1896, 1 Ch. 763) contains these words: 'Van Horne v. Fonda (5 Johns. Ch. (N.Y.) 388) not followed.' And the opinions of the judges shew that the case figured prominently in the discussion. The incident called forth a spirited editorial in the Solicitors' Journal of June 13, in which the writer protested strongly against allowing 'English principle to be stifled by foreign competition,' and quoted Lord Halsbury's remarks in *Re Missouri Steamship Co.* (42 Ch. D. 321, 330): 'We should treat with great respect the opinions of eminent American lawyers on points which arise before us; but the practice, which seems to be increasing, of quoting American decisions as authorities in the same way as if they were decisions in our courts is wrong.' Of course indiscriminate indulgence in the practice deplored by the learned Chancellor might well be frowned on by the English bench. But Lord Halsbury certainly did not have in his mind such an instance as this. *Van Horne* v. *Fonda* is the starting-point of a peculiar and well-established American doctrine. An English court called upon for the first time to decide a point involving that doctrine would hardly be performing its duty adequately if it ignored the leading American case." We are still impenitent.

There appeared in the *Standard* of the 10th inst. a letter signed by a purchaser's solicitor complaining of the extraordinary delay in Government offices when dealing with conveyancing matters. He writes as follows:

"The trustees of a village school being desirous of selling two old cottages, which were in such a ruinous state as to be unfit for habitation, and for which they had an offer of two hundred and fifty pounds, applied to the Charity Commissioners for their consent to the sale. It will be a year next month since application was first made to the Commissioners, and this small matter is not completed yet, which is entirely owing to the delay by the Commissioners. The purchaser now cannot get his conveyance, although he has paid his purchase-money, and his conveyance has been with the Commissioners for signature by their secretary, as official trustee, for twenty-four days, and not returned to him. What will it be if a Land Registry Act is passed, and all transfers have to be carried through by Government officials?"

Our views on the last-mentioned question are so well known that we shall not attempt to say what it *will* be. We think, however, the letter should be brought to the attention of every solicitor, and have therefore reproduced it here.

MODERN DEVELOPMENTS OF THE LAW OF ESCHEAT.

It has often been said, of course with something of hyperbole, yet with a great deal of substantial truth, that in England the Middle Ages are not very far off; and this nowhere more clearly appears than when we turn our attention to the less familiar parts of our real property law. These parts which are of everyday occurrence have been gradually brought up to the level of what are supposed to be modern requirements; but others, which rarely emerge into practice, have in many respects been left pretty much in the state in which they were at the common law. Sometimes it has happened that, when reasonable usage has effectually supplanted some absurdity, the latter has not been expressly abolished until it suddenly brought itself into prominent notice in a very inconvenient fashion; as was notably the case with wager of battle, which was not expressly abolished till 1819, by 59 Geo. 3, c. 46, after its protection had been successfully invoked by a stalwart defendant.

It would be unjust to style the law of escheat an absurdity; because it supplies a tolerable, if not the best possible, answer to a question which sometimes imperatively demands an answer. But it is the fact that our present law of escheat, until a few years ago, depended for its justification and explanation entirely upon the feudal laws of tenure, which once were the foundation and support of the whole civil and military constitution of the realm, but are now so completely obsolete that their very existence would be unknown even to experienced lawyers except for a few anomalous and irritating claims. And it is somewhat amusing to note that the wisdom of Parliament, when in 1884 it undertook to reform the law of escheat by pruning away some parts which were thought to be indefensible beyond the common standard, could think of nothing better to do than to subject equitable estates to the same laws of escheat which were at the time applicable to legal estates.

Parliament, however, or those by whose lips it is accustomed to speak, does not invariably display a very intimate acquaintance with the more obscure nooks of real property law when it attempts to deal with them; and though the law of escheat is perhaps the most prominent and best understood among these matters, so that it is hardly worthy to be counted among the obscure points, it is abundantly evident that when Parliament passed the Intestates' Estates Act, 1884 (47 & 48 Vict. c. 71), s. 4, it had hardly an elementary knowledge of the meaning of the word escheat. Down to that time, the interference of the Legislature with the law of escheat had been twofold. In the first place, by the abolition of escheat by attainder of felony (including escheat by abjuration), the classes of occasions upon which an escheat might take place had been reduced; and in practice they were represented by one only; namely, escheat *propter defectum tenentis*, or by the death of an owner in fee simple without leaving any heir (or devisee) to succeed to his estate. In the second place, the Descent Act, 1833, and still more notably the 22 & 23 Vict. c. 35, s. 19, by admitting to the succession classes of persons who were excluded by the common law, had still further, but in another way, decreased the number of the occasions which would in practice give rise to an escheat. But these alterations had nothing to do with the legal theory upon which an escheat for want of heirs depended for its explanation, which stood exactly as it had stood in the days of LITTLETON, and for ages before him.

The reader will not need to be told that there is no such thing as "allodial" land in England, and that with us all land must be held of some one, who is usually styled "the lord." Since the statute *Quia Emptores* forbade the creation *de novo* of mesne tenures, there has been a constant tendency towards the concentration of all tenure in the Crown; but mesne tenures in the hands of subjects still exist, and it is needless to say that, in such cases, the escheat, when it happens, is to the mesne lord, and not to the Crown. As the original grant had been to the grantee and his heirs, what could be more natural than that, when the succession of heirs ceased, the land should revert to the lord who had granted it? This was as natural as that, if he had granted it to one for life, he should have it again in possession at the death of the grantee. Here it is apparent that the cardinal question is, Of what lord was the land held at the time when the failure of heirs took place? And at the present day, on an inquisition under the Escheat Procedure Act, 1887 (50 & 51 Vict. c. 53), this is the first question to be determined; and if there is no finding upon this, anyone thereby aggrieved (which means, anyone who conceives that the land is held of him, and that this fact ought to have been found), may, on application to the High Court, obtain an order for another inquisition.

So entirely was escheat founded upon the notion of tenure, that there was no escheat of such hereditaments as were not held of anybody. For example, if a rent-charge had been granted to a man and his heirs, this, upon failure of the grantee's heirs, did not escheat, because it was not held of any lord, and therefore there was nobody to whom it could escheat. It became extinguished to the benefit of the land out of which it was granted; and this, if we consider it, seems to be as natural and reasonable a provision as could be imagined. If a man grants a rent-charge to A. and his heirs, why should he not hold his land freed from the rent-charge when there is no longer anybody capable of taking under his grant? It may piously be supposed that, when Parliament thought fit to meddle with this very reasonable arrangement, there existed in its mind some haziness as to what precisely the arrangement was. Parliament, perhaps, thought that the terre-tenant, by a fluke of luck, was coming into something to which he had no claim or right.

When uses and trusts arose, they disturbed, in this as in some other respects, the simplicity and reasonableness of the common law. If a man enfeoffed A. and his heirs to the use of B. and his heirs, the question inevitably arose, what was to happen upon a failure of their respective heirs; and the same question was equally important after the Statute of Uses, when uses either were executed into legal estates by the statute, or, in default thereof, subsisted as trusts. Now, it happened that in one particular set of circumstances, arising under the novel condition of the law, a man might get something by what may truly be called a fluke of luck; for it was held in the celebrated case of *Burgess* v. *Wheate* (1 W. Bl. 123, 1 Eden 177) that, if a trustee was seised in fee simple upon trust for another person in fee simple, who died intestate and without heirs, there was no escheat of the equitable estate, but that the trustee might keep the lands for his own use. The last case in which this law was, or ever will be, applied was *Gallard* v. *Hawkins* (33 W. R. 31, 27 Ch. D. 298); for the Intestates Estates Act, 1884, s. 4, has for ever put a stop to this "casual profit" of the poor trustee.

That enactment, to set it out in all its native beauty, is as follows:—

> "From and after the passing of this Act [14th August 1884], where a person dies without an heir and intestate in respect of any real estate consisting of any estate or interest, whether legal or equitable, in any incorporeal hereditament, or of any equitable estate or interest in any corporeal hereditament, whether devised or not devised to trustees by the will of such person, the law of escheat shall apply in the same manner as if the estate or interest above mentioned were a legal estate in corporeal hereditaments."

We have seen that the whole idea of escheat turns upon tenure. How, then, can things which have nothing whatever to do with tenure, escheat "in the same manner" as the things which have? "'Tis a manifest impossibility," as Dr. BENTLEY says. How can things which are held of nobody, escheat to the person of whom they are held? Something of this kind was involved in the recent case of *Re Wood, Attorney-General* v. *Anderson* (44 W. R. 685, 1896; 2 Ch. 596). A lady devised a house to her executors, upon trust for sale, and to apply the proceeds in certain ways. After carrying out all her directions, the executors had still in their hands a balance of the proceeds of sale. The lady had no known heir or next-of-kin; and the will contained no residuary devise or bequest. It is clear that, before the above-cited enactment, the executors would have been entitled to keep the money. But Mr. Justice ROMER held that, under that enactment, they passed to the Crown. This decision may perhaps be perfectly correct, in the sense that no other more eligible can be proposed. But it is curious to observe that, neither in the arguments of the learned counsel, nor in the judgment of the learned judge, do we find the ghost of a hint of the fact that there is any connection between the law of tenure and the law of escheat.

FALSE PRETENCES.

MANY cases of obtaining goods by false pretences have been tried in which the pretence was contained in a letter ordering the goods, which made no *direct* pretence, but which was meant to convey, and did in fact convey, the impression that the writer was a person in a large way of business. Thus, in *Reg.* v. *Cooper* (25 W. R. 696, 2 Q. B. D. 510), the prisoner, who was a mere huckster, wrote a letter to the prosecutor ordering from him two railway-truckloads of potatoes "as samples," and expressing a hope that the quality would be good as then a good trade would follow for both of them. The Court for Crown Cases Reserved held that this letter might reasonably be construed as containing a representation that the writer was a dealer in potatoes in a large way of business, and that it was a question for the jury whether he intended the prosecutor to put this meaning upon the letter.

A somewhat similar case was considered by the same court last Saturday in *Reg.* v. *King*, a case stated by the chairman of the Huntingdonshire Quarter Sessions. The prisoner was convicted of having obtained certain churns by false pretences as to his position and business. He had written a letter to the prosecutor containing these words: "The two six-gallon milk churns in order do not require name on them, as they are only required for home use." This letter was produced in evidence by the prosecutor, and he was thereupon asked what opinion he had formed from the letter as to the position and occupation of the accused. The question was objected to by counsel for the defence, but was allowed, and the answer was to the effect that the prosecutor inferred from the letter that the writer was either a farmer or a dairyman. The prisoner was convicted, subject to the case stated as to the admissibility of this question and answer.

The objection was based on the ground that the witness was being asked to construe a written document, which was a question of law for the court, and not a question of fact. The court, however, held that the question was admissible, not as to whether the letter was capable of bearing the meaning put upon it, but for the purpose of shewing whether the prosecutor believed the statement made. HAWKINS, J., pointed out that in a charge for obtaining goods by false pretences it must be proved (1) that a false pretence was made, (2) that the prosecutor believed the pretence, and (3) that the goods were obtained by means of the pretence; and he held that the only way to find out whether the prosecutor believed the pretence in the letter was to ask him his opinion of the letter. This is a decision which will be found very useful in prosecutions of this kind, and one which removes another of the many weapons of defence with which the person who obtains goods by fraud is so amply supplied by the technicalities of our law as to false pretences.

The indictment in the above case contained no less than forty counts, some for obtaining goods by false pretences, some for attempting so to obtain goods, and others for obtaining credit for goods by false pretences. It is full time that the propriety of such indictments should be considered by the High Court, and this indictment received some very salutary attention at the hands of the judges. Everyone who has had any experience of our criminal courts knows to what an inordinate length some indictments extend. This is especially the case in prosecutions for offences against the bankruptcy laws. HAWKINS, J., in his judgment, commented severely upon the length of the indictment. He said he had met with an indictment in ninety-nine counts, and had heard of one in a hundred and fourteen counts. Of course this is not actually illegal, but where there are several distinct charges it may be seriously embarrassing for an accused person to be obliged to meet them all at once. Probably few will maintain that the learned judge used unduly strong language when he described the indictment in question as "a scandal." In such a case the defending counsel ought to press the court strongly to order separate trials on certain counts.

This was not, however, the only remarkable feature in the prosecution of KING. Having been tried on the first day of the sessions on this indictment of forty counts, and having been convicted on some and acquitted on the others, he was put on his trial again the next day to answer an indictment for larceny of some of the same goods which formed the subject of some of the counts in the first indictment. The prisoner was thus practically, though not technically, tried again for an offence for which he had already been tried. The court had no hesitation in saying that such a trial should never have taken place. The two indictments were inconsistent; and further, as HAWKINS, J., said, "it is against all principles of criminal law that a man should be twice put in danger for the same offence."

THE CIVIL JUDICIAL STATISTICS FOR 1894.

II.

THE returns of the amounts recovered by process of law in the Queen's Bench Division are no adequate test of the real work of the division. They include only the amounts recovered by verdict, and, as Master MACDONELL points out, these represent but a small portion of the whole. Further, no account is taken of compromises by which the plaintiff may secure a large part of his claim, or of test cases in which a verdict for a nominal amount may determine the destination of large sums. But the returns, such as they are, denote a considerable increase in the amount recovered in London and Middlesex, and a decrease in the amount recovered on circuit. Thus the average annual amount for the five years 1871-75 in London and Middlesex was £181,095; for the four years 1891-94 it was £532,140. The corresponding totals on circuit were £226,663 and £137,046. In London and Middlesex there was a continuous rise in successive periods, but especially between 1886-90, when the annual average was £277,522, and for 1891-94 the large sum of over half a million pounds, as just mentioned. Seeing that the judgments for plaintiff after trial are only about one-twentieth of the total number of judgments entered for the plaintiff, the actual sums recovered are very much larger than the above, but how much larger it is not possible to say with any certainty.

Corresponding to this increase in the magnitude of the total results achieved, there has been an increase also of the actions tried, from an annual average of 1,103 for 1871-75, to an average of 1,496 for 1891-94. It follows, from comparing the different ratios of the increase of actions tried and of the total amount recovered, that the verdicts must have been individually larger, and this is shewn also by the statistics. The percentage of cases in which the verdict was for £50 and under has diminished, and the percentages of cases in which the verdicts are respectively between £50 and £100, and above £100, has increased. To take one set of figures only, between 1871 and 1875 the cases in which over £100 was recovered on trial were 34·3 per cent. of the whole. The figure rose continuously until for 1891-94 it was 47·2 per cent. of the whole. This increase in the percentage is partly due to the fact that the present rules as to costs tend to send actions in which less than £50 is at stake to the county courts; but there is also a large increase of the actual number of cases in which the amount recovered exceeds £100. Master MACDONELL points to this as another sign that, in London at all events, more of the cases in the High Court relate to substantial disputes.

In the Probate Court much of the business is non-contentious, and only a very small proportion of the cases require the decision of a judge or jury. The annual average of trials in any quinquennial period since 1876 has never exceeded 0·2 of the total number of probates and administrations. In actual number, however, the trials have considerably increased, the annual average standing at 65 for 1871-75, and at 113 for 1890-94. In the total number of grants and administrations there is an increase considerably greater than in proportion to the increase of population, and this is specially noticeable in the Principal Registry, where the business has risen nearly twice as fast as in the district registries. In round figures the ratio of probates to administrations is two to one, and there has been a slight increase in the proportion of administrations. The statistics shew some curious results in this respect. In agricultural districts it seems to be the fashion to make wills, and in some of the registries in such districts the administrations fall to 20 per cent. In Manchester and Liverpool, on the other hand, the grants of letters of administration nearly equal those of probate.

Master MACDONELL has devoted very considerable trouble to his analysis of the statistics of the Divorce Court, and he has carefully compared the results with those of some foreign countries. In the business of the court there has been a great increase—rapid in the early years of the court, but more recently small and irregular. In 1858-62 the average annual number of petitions for divorce was 211; by 1883-87 it had risen to 499. The number in 1894 was 547. Moreover, while the petitions for judicial separations also increased up to 1888, they have since gone back, and there is a tendency to prefer the remedy by divorce. Of petitions for divorce the greater number are brought by husbands, though the disproportion is not so marked as formerly. The ratio of husbands' petitions to wives' for 1893-4 was

58 to 42. Of petitions for judicial separation by far the greater number are brought by the wife, the ratio for the same years being 94 to only 7 by the husband. The difference, says Master MACDONELL, is not to be explained by the fact that in England the grounds of divorce are not the same for husbands as for wives. It is to be found in countries where the husband and wife are on an equal footing in this respect. Master MACDONELL also gives a table of the number of petitions for divorce to every 1,000 marriages, from which it appears that in England the number is 2·4; in France it rose from 6 in 1884 to 28 in 1892.

In Admiralty, again, there appears a considerable increase of business, at least, when it is remembered that under recent legislation a good many of the suits are brought in county courts. The number of causes rose from 228 in 1841 to 637 in 1866. In 1893-94 the number in the High Court was only 513, but to this must be added 606 causes begun in the county courts and in the City of London Court, making a total of 1,119.

The total number of proceedings in the county courts reaches very large figures. For the forty years or so covered by the comparative tables, there has been a pretty steady increase, and the highest number—namely, 1,167,886—was reached in 1894. But there has been no great increase in the average amount for which plaints are issued, and the courts are still mainly used for the purpose of collecting small debts. At the same time there has been a marked increase in the plaints for £50 and upwards entered by consent under section 17 of 13 & 14 Vict. c. 61, and section 64 of the County Courts Act, 1888. During the years 1863-8, the annual average was 12; in 1883-94 it was 1,298. The average amount of all the plaints is about £3. Only a very small proportion of the actions tried are submitted to a jury. In 1893-94, out of an annual average of over 700,000 cases determined, the jury cases were 1,469, or no more than 0·2 per cent. The defendants in county courts are as unfortunate as in the High Court. Throughout the years to which the comparative tables relate, the percentage of judgments for defendants has never exceeded 3·6 of the whole—the figure for the earliest year, 1858—and they seem to be diminishing.

Contrary to what might have been expected, the amount of equity business in the county courts, whether measured by the number of applications or by the amount in dispute, does not shew any marked increase. In point of value, indeed, it seems to be diminishing. The amount of costs has very largely increased, but it still lags far behind the court fees. "The fees," says Master MACDONELL, "were about six times the amount of the costs in 1858-62; in 1893-94 they were not quite three times as much. In round figures, for every £1 recovered in the earlier period the costs were about 10d., the fees about 5s.; in 1893-94 the costs were about 1s. 10d., the fees about 5s. 2d." The amount of fees for 1894 was close on half a million pounds.

It appears that not only have defendants a decreasing chance of successfully resisting claims in the county courts, but their treatment at the hands of plaintiffs is growing more severe. The ordinary way of enforcing a judgment is a judgment summons which will not improbably end in a warrant for committal. "Comparing," says Master MACDONELL, "the returns for 1858-62 with those of 1893-94 there was an increase of 106 per cent. in the summonses issued, 165 per cent. in the summonses heard, and no less than 201 per cent. in warrants issued—rates of increase far in excess of the increase in judgments for the plaintiffs. In other words, creditors more and more resort to issuing judgment summonses, and to the extreme course of obtaining warrants for committal." On the other hand, the actual imprisonments have not increased with the increase of warrants. Either the warrant alone is effectual in securing payment, or judges have become more unwilling to enforce them. The greater part of the orders for imprisonment are made in the North of England.

Master MACDONELL examines very elaborately also into the statistics of bankruptcy and winding up, but into these we have not space to follow him. One very noticeable feature in the bankruptcy figures is the enormous drop in petitions consequent on the passing of the Act of 1869. In that year they were 10,396; in 1873 they had fallen to 915. Master MACDONELL assigns as the probable reason the change in the law by which debtors were no longer able to file petitions. The facilities, however, for compositions were made use of, and they rose in numbers as the adjudications fell. Under the Act of 1883 debtors have recovered their former right, and from this and other causes the bankruptcies have risen again, standing at 4,702 in 1894, while the number of compositions has become insignificant. Their place has been taken by registered deeds of arrangement, of which in 1894 there were 3,894. Under the Act of 1883 there has been a considerable decrease in the amount of the average liabilities per case, and a still more marked decrease in the average amount realized. For cases under the Act of 1869 this was £609 between 1880 and 1883; under the Act of 1883 it was £275 in 1894. On the other hand the character of the compositions has improved.

The foregoing remarks are based on the comparative tables for a series of years, and on Master MACDONELL'S analysis of them. The returns for the year 1894 are given separately, but upon these it is not necessary to enlarge. At the present time their chief interest lies in their relation to those of previous years. In future, as we have already observed, Master MACDONELL expects to be able to accelerate the annual returns. The volume which he has now edited is a monument of patient and discriminating labour, and it augurs well for the interest and utility of subsequent statistics.

REVIEWS.

THE LAW RELATING TO TRUSTEES.

THE DUTIES AND LIABILITIES OF TRUSTEES. Six Lectures delivered in the Inner Temple during the Hilary Sittings, 1896, at the request of the Council of Legal Education. By AUGUSTINE BIRRELL, Q.C., M.P. Macmillan & Co. (Limited).

In these lectures Mr. Birrell has combined a practical and suggestive treatment of the law with the humour which characterizes his other writings. We doubt whether students, or for that matter practising lawyers, have ever before had a subject placed before them in a manner at once so entertaining and suggestive. The reader who takes up this little volume will not easily lay it down till it has been finished, and by that time he will have had clearly impressed upon him all the leading principles of law which affect trustees. If the student also takes the trouble to examine the cases to which Mr. Birrell refers and to follow up the inquiries which are suggested, he can hardly fail to gain a firm grasp of this branch of the law. It would be easy to extract examples of the treatment of legal questions which gives the book a character of its own. One must suffice. Mr. Birrell is discussing the care which a trustee is bound to take of the trust property. Lord Northington, he says, electrified Lincoln's-inn more than a hundred years ago by the remark that "no man can require or with reason expect that a trustee should manage another's property with the same care and discretion as he would his own." Needless to say, this matter-of-fact way of looking at the question by no means represents the standard of conduct which the courts have set up for trustees, and Mr. Birrell takes exception also to the stricter rule laid down by Mr. Lewin, that a trustee "is called upon to exert precisely the same care and solicitude as he would do for himself." The care which the trustee uses in his own affairs may, he points out, fall far below that which he must use in the management of the trust estate. "The bulk of business," says Mr. Birrell, "in this country is carried on carelessly. A distinguished judge has told me that, sitting in the Court of Appeal, he once had to listen to a learned brother denouncing from the bench as 'grossly negligent' a course of conduct habitually pursued by the distinguished judge himself in transacting affairs for himself of a similar kind." The trustee is bound, indeed, not to deal with the trust estate as he would with his own, but to take as much care of the property as, if he were a prudent man of business, he would take of his own. We leave the reader to discover in what connection Mr. Birrell brings in the story that Lord Macaulay was driven into seeing an authorized edition of his speeches through the press by the misprint of "Pandects of the Benares" for "Pundits of the Benares" in the unauthorized one. But the fact that the story does come in is a further illustration that Mr. Birrell does not follow the severe style of an ordinary law book.

PARLIAMENTARY AND MUNICIPAL REGISTRATION.

A DIGEST OF PARLIAMENTARY AND MUNICIPAL REGISTRATION CASES, CONTAINING AN ABSTRACT OF THE CASES DECIDED ON APPEAL FROM THE DECISIONS OF REVISING BARRISTERS DURING THE PERIOD COMMENCING 1843. By JOHN JAMES HEATH SAINT, Esq., Barrister-at-Law. THIRD EDITION, BROUGHT DOWN TO MAY, 1896. By EDWARD ANNESLEY OWEN, Esq., Barrister-at-Law. Butterworth & Co.; Shaw & Sons.

A detailed criticism of this edition of a well-known work is unnecessary, the editor having, in the main, pursued the method adopted by the original author, with which our readers are doubtless already familiar. We notice, however, that in this edition the editor devotes the opening pages (down to and including p. 7) to matters which should obviously be noticed elsewhere. Thus, what concerns the *occupation* franchise should, we think, be transferred to p. 102 *et seq.*, so as to enable the entire subject to be dealt with consecutively, mindful of the fact that the occupation franchise in counties and boroughs has, by virtue of 48 Vict. c. 3, been assimilated. Thus as regards the case cited at pp. 3-4, its proper place is, surely, either at p. 417, just *before* "personal disqualifications" are discussed, or else immediately *after* p. 443. The present edition undoubtedly comprises the bulk of the registration cases from 1843 to May, 1896, including some obsolete ones, which have been retained for reasons stated by the editor in his preface, and are indicated

merely by a headnote, with a footnote referring to the decision or statute superseding them. We think, however, that where a recent case has been completely overruled by a still more recent one, it is hardly necessary to notice it so prominently—as, for example, *Childs* v. *Cox* (20 Q. B. D. 290), overruled by *Kemp* v. *Wanklyn* (42 W. R. 369; 1894, 1 Q. B. 583), is noticed at p. 336. The following cases appear to have escaped the editor's vigilance—namely, *Bennett* v. *Evans* (1892, Fox & Smith's Reg. Cases, 291), *Prentice* v. *Markham* (1892, Fox & Smith's Reg. Cases, 301), *The Queen* v. *Mackellar* (41 W. R. 142), where *Foskett* v. *Kaufman* (34 W. R. 90, 16 Q. B. D. 279) was cited and distinguished, *Skinn* v. *Phillips* (1894, Fox & Smith's Reg. Cases, 386), and *Wade* v. *Perkins* (1893, Fox & Smith's Reg. Cas. 338). The University franchises do not appear to find a place in this edition, though the cases that have been decided with regard to the disqualification of members of Oxford and Cambridge Universities as *borough* voters are given. We think, however, that, in such a case as the London University, for instance, the qualification prescribed by 30 & 31 Vict. c. 102, ss, 24, 25, should be mentioned. In citing the *Law Reports*, we notice that the editor invariably gives the prefix "L. R.," unmindful, apparently, of the fact that, since 1874 at all events, it is unusual and unnecessary to do so. As the bulk of the work is slightly increased by such a practice, we hope that it will be abandoned in the next edition. The dates of the cases cited are omitted, while the places where they are reported are supplied, not in the Table of Cases, but in the text. A good index, comprising twenty-four pages, will be found at the end of the volume.

MILITARY LAW.

MILITARY LAW AND PRECEDENTS. By WILLIAM WINTHROP, Colonel, United States Army. Second Edition. Revised and Enlarged. Sampson Low, Marston, & Co.

Colonel Winthrop's two large volumes form an important contribution to our knowledge of military law. Although the work deals primarily with the military law of the United States, the subject is so exhaustively dealt with that it cannot fail to be of use in the library of the student of this branch of jurisprudence in this or any other country. The American legislation on the subject is founded upon that of England, and we find, as we would expect to find, that references to the English Army Acts, which have taken the place of the old Act of 1689 and the Articles of War, and to cases decided in English courts are very numerous throughout the pages of this work. The jurisdiction of and procedure at courts-martial, the law of evidence, the methods of reviewing sentences, are all carefully explained. The second portion of the work deals with the law of war as a branch of the International Law, while the last division relates to the civil functions and relations of the military, including their employment in civil capacities, and their liability to civil suits and prosecutions. Had the work been intended primarily for English lawyers, we would have expected the subject of the employment of the military for the suppression of riots and disturbances to have been more fully dealt with in this part of the work: the work, however, contains little allusion to the English practice on this point, though the enactments and regulations in force in the United States as to the assistance of the civil by the military power are carefully set out and illustrated by cases. The whole work bears testimony to the patient industry of the author, and to his thorough mastery of the subject; and it should be pointed out that Colonel Winthrop is more than a military officer, he is a member of the bar, who was in the active practice of his profession in 1861, and it is evident that his early legal training has not been without its effect upon his habits of thought. The work contains in an appendix a number of precedents, which will no doubt be of service to those concerned in the administration of military law in the United States. The index is fairly complete, and the printing and general get up of the work is beyond all praise.

LIGHT RAILWAYS.

THE LIGHT RAILWAYS ACT, 1896, WITH THE RULES OF THE BOARD OF TRADE, &C., AND NOTES. By EVANS AUSTIN, M.A., LL.D., Barrister-at-Law. Reeves & Turner.

Mr. Austin has chosen a well-defined subject, and he has treated it with conspicuous ability and success. The Light Railways Act of last session is perhaps unlikely to have a wide operation, but any local authority or body of persons who are meditating the promotion of a light railway will find in this book all the information they require as to the method by which their scheme can be carried out. In the introduction Mr. Austin gives a lucid summary of the Act itself, and of the procedure under it; the body of the work contains the Act itself, with notes to each section, the notes consisting in the main of explanations of the references in the text to other statutes: for the Act itself is well drawn, and there are few observations demanding the ingenuity of the annotator. The appendix contains the text of the principal enactments which are applied by or referred to in the main Act—notably, parts of the Lands Clauses Act, the Arbitration Act, and the Regulation of Railways Act, and, most important of all, the recent regulation issued by the Board of Trade as to light railways under the Act. The index appears to be thoroughly well done.

METROPOLITAN SANITATION.

METROPOLITAN SANITATION: WITH APPENDIX CONTAINING THE PUBLIC HEALTH ACT, 1891, AND THE BYE-LAWS ISSUED BY THE LONDON COUNTY COUNCIL AND THE LOCAL AUTHORITIES UNDER IT, &C. By W. HERBERT DAW, F.S.I. [Frank P. Wilson, "Estates Gazette" Office.

Although Mr. Daw's book is not precisely the source to which a lawyer would turn for guidance upon the sanitary laws of the metropolis, it contains much information which ought to be of service to surveyors, builders, and sanitary engineers. The arrangement of the book is not, in our opinion, the best possible: the general exposition of the subject, with which the work begins, would be more useful if the passages dealing with each branch were grouped together under one heading or chapter with its natural sub-divisions, and if the views of the author were more clearly differentiated from extracts from, or *précis* of, the Act and the bye-laws. It is, however, useful to have between the covers of one book the Act of 1891, the bye-laws of the County Council made under it, and the regulations of the different metropolitan vestries. A few decided cases have been collected in the appendix; the index does not assist as much as it ought in removing the difficulty of finding the desired subject in the body of the work.

LEGAL DIARIES.

We have to acknowledge the receipt of the usual issues of diaries for lawyers. The fifty-first issue of THE LAWYER'S COMPANION AND DIARY FOR 1897 (Stevens & Sons (Limited); Shaw & Sons) is of about the same size as last year, but has for the first time an index to the diary, with red and black letters in the cut margin. All that seems to be now wanted for the convenient use of this diary is the colouring in different colours of the edges containing the diary and the legal directories. THE SOLICITORS' DIARY, ALMANAC, AND DIRECTORY FOR 1897, being the fifty-third year of issue (Waterlow & Sons (Limited)), contains a wonderful amount of information as to Government and public offices, all kinds of judicial officers, town clerks and under-sheriffs, and has a directory, for the use of country solicitors, of the law and public offices in London, besides the usual information as to stamps, &c. WATERLOW BROS. & LAYTON'S LEGAL DIARY AND ALMANAC FOR 1897 (Waterlow Bros. & Layton (Limited)) contains also full details as to judicial and legal officers. The list of "localised barristers" is novel and interesting; it is surprising to see what a large section of the bar are now resident and practising in the provinces. Places which one would not have dreamt of as possessing a local bar are provided with one. SWEET & MAXWELL'S DIARY FOR LAWYERS FOR 1897 differs in the information it gives from all the other diaries. It contains, as we have before explained, a legal gazetteer and courts directory, with full information as to court fees, solicitors' costs, and time-tables for actions in the various courts.

BOOKS RECEIVED.

The Inland Revenue Regulation Act, 1890. As amended by the Public Accounts and Charges Act, 1891, and the Finance Acts, including the Superannuation Acts and the Public Officers Protection Act, 1893. With Notes, Table of Cases, &c. By NATHANIEL J. HIGHMORE, Barrister-at-Law, Assistant Solicitor of Inland Revenue. Stevens & Sons (Limited).

The Maritime Codes of Spain and Portugal. Translated and annotated by F. W. RAIKES, LL.D., Q.C. Effingham Wilson.

WATERLOW BROS. & LAYTON'S Legal Diary and Almanac for 1897, containing a list of stamp duties from 1804 to the present time, with regulations as to stamping and allowance for spoilt stamps. A diary for every day in the year. Suggestions on registering and filing deeds and papers at public offices. Table of succession to real personal property. Paper on the preparation of legal and succession accounts. And notes as to preliminary, intermediate, and final examination of articled clerks. A list of law reports, with their abbreviations and dates. An index to the Public General Statutes from time of Henry III. A digest to the public general Acts of last session. A list of London and provincial barristers and London and country solicitors, Irish and Scotch solicitors. With appointments, agents, &c. Waterlow Bros. & Layton (Limited).

*** In the heading to the review of Messrs. Summerhays & Toogood's Precedents of Costs (*ante*, p. 9), for "Goodwood" read "Toogood."

CORRESPONDENCE.

THE FINANCE ACT, 1894.

[*To the Editor of the Solicitors' Journal.*]

Sir,—There is a matter connected with the payment of the settlement estate duty under this Act which must constantly be occurring, and of which I have not observed any notice in any of your articles dealing with this Act.

By section 5 of the Act settlement estate duty is payable where property is settled by the will of the deceased, or, having been settled by some other disposition, passes under that disposition on the death of the deceased to some person not competent to dispose of the property. Now, in the case of the wills of testators, where the daughters' shares are settled, it is very usual, after giving the daughter a power of appointment amongst her children, subject to which her share is to go to her children equally, to add an ultimate general power of appointment exercisable by the daughter in the event of no child becoming entitled under the preceding trusts; therefore, if that general power of appointment by the daughter becomes exercisable, the settlement estate duty would not attach, as the property would not have "passed to some person not competent to dispose of it." It is, however, impossible to determine, on the death of the testator, whether the settlement estate duty will ultimately attach or not, and in most cases this can only be ascertained after the lapse of many years.

What is the duty of the trustees of a will of this nature? If they pay the duty at the time of the death of the testator, it may ultimately turn out that such duty was not payable, and they will then be liable for the duty and interest thereon from the date of payment, which interest may very well amount to a considerable sum.

On the other hand, if the duty be not paid on the death of the testator, and on the death of the daughter her general power of appointment has not become exercisable, it would appear that the settlement estate duty would have to be paid, with interest from the date of the death of the testator, which interest, again, might amount to a considerable sum.

I shall be glad to have the views of some of your subscribers as to the course which trustees ought to adopt under the circumstances mentioned.

I have assumed, of course, that the words "not competent to dispose of it" mean what they say, and are not to be construed as having the words "in his or her lifetime" superadded. A. B. C.

Manchester, Nov. 9.

COUNTY COURT COSTS—ALLOWANCES TO SOLICITORS.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I had recently entrusted to me an interpleader case remitted to one of our London county courts. The action was brought by a father against a son, in which the father was allowed some costs. He sought to recover the amount by execution, and instructed the sheriff to seize the goods in his son's house. The sheriff did so, on which the son's wife, and her mother, claimed most of the goods, and gave notice that the remainder belonged to another son of the plaintiff, who was a soldier on service abroad, and who had left them there for safe custody while he was away.

An interpleader summons was issued, when the master said he could not deal with the soldier's goods, and sent the case to the judge for his directions. The judge considered that one of the claimants should claim for the soldier, and on being informed that one of them would do so, he sent the case back to the master to dispose of the claims summarily. The summons was not amended by the sheriff—nor any order drawn up. The master heard and allowed the two claims, but refused to hear the evidence in support of the soldier's right to his goods, although the witnesses were in attendance, and their evidence tendered. At the county court trial the plaintiff's counsel admitted that he opposed the application made to the master to hear such evidence.

The result was a second execution, goods removed, another interpleader, and an action in the county court. I conducted the case for the claimant without counsel—the execution creditor appeared by counsel—and the trial lasted nearly three and a half hours. Judgment was given for the claimant, with costs on Scale B, the judge finding that the goods were of the value of £22.

At the end of the trial I applied for two allowances (viz., items 31 and 70) under ord. 50a, but the learned judge stopped me, saying he should not allow any extra costs. I presume his refusal was based on an impression that the scale allowed fees adequate to the work done; but I venture to think that if he had gone into the figures he would have allowed the application. The result was that all I got for "conducting the case in court without counsel" was 6s.! This is clear from the items: "For attending in court *with* counsel," the fee is 15s. For "conducting the case *without* counsel," the fee is £1 1s. That is to say, for attending in court when counsel conducts the case the solicitor is to have 15s.; but if he conducts the case instead of counsel, he is to have 6s. more.

The two items I asked for are Nos. 31 and 70—viz., for making notes of the case £1 1s., and for conducting without counsel an extra £1 1s.

As taxed, the costs were allowed at 10s. for attending three witnesses and making note of their evidence (I had four witnesses, who all gave evidence, but the registrar disallowed one), and £1 1s. for conducting the case in court; total, £1 11s. The extra £2 2s. I asked for would have made the allowance up to £3 13s.

If I had had counsel, the brief would have run to forty folios, and the charges on that (including the 15s. for attending in court) would have come to just about £5 10s.; counsel's fees would have been £4 11s. 6d.; total, over £10.

Thus, for acting without counsel the solicitor gets £1 11s., though he *may* have, by order, £3 13s.—as against £5 10s. on a brief. In either case the difference is against the solicitor—in one case of £3 19s.—in the other of £1 17s. I venture to think that the learned judges who framed the scale did not contemplate this result.

Anyway, whatever their anticipations, the scale as drawn is a direct incentive to running up costs. No order is required to allow a brief and counsel, but the solicitor who acts without counsel has the humiliation put upon him of having to ask for two fees, which, if allowed, do not even then make his fees equal to what he would get on a brief.

I venture to think that the time has arrived for a revision of the scale, and that it should be altered so as to allow of an adequate remuneration to solicitors, in all actions, as of course, and not as matter of favour—as is the case in the High Court.

I also venture to suggest the following alterations where no counsel is instructed:—

		Sc. A.	B.	C.
Item 31.	In addition to the fees for attending witnesses, for making notes of facts or arguments	6 8 or 10 6	1 1 0	2 2 0
„ 69.	For attending court, conducting case where there is no contest	15 0	1 1 0	2 2 0
„ 70.	The like where there is a contest—*i.e.*, where the case goes to the judge	1 1 0	2 2 0	3 3 0

And that the rule requiring a solicitor to apply for extra fees should be abrogated. There is no such rule in other courts.

The refusal to allow fees provided by the scale, is a punishment on the solicitor, not the suitor. If a suitor is to be punished, let him be punished by depriving him of part of his costs, but do not punish the solicitor by refusing him fees allowed by the scale. The costs allowed are both solicitor and client costs, and party and party costs, so that a solicitor cannot recover more from his client than his client can recover from his opponent.

The better mode would be to order costs to be taxed in full, and direct that the successful suitor do recover from his opponent only a given proportion (as one-half or two-thirds) as the judge may determine.

This would preserve the solicitor's rights against the suitor, and punish the suitor too. D.

Nov. 9.

PROBATE OF WILL OF MARRIED WOMAN EXERCISING POWER.

[*To the Editor of the Solicitors' Journal.*]

Sir,—A married woman having, under the will of her father, a power to appoint to her husband the income of a fund given on trust for her and her issue, exercises such power by her will. She has no other estate. We are informed unofficially at Somerset House that it is not necessary for the husband to prove her will, and that, even if he did prove, the estate might be sworn under a nominal amount.

Can any of your readers give us any authority for these propositions? It is laid down in Williams on Executors and Farwell on Powers that a will made in execution of a power, if relating to personalty, must be proved, but the authority referred to (*Ross* v. *Ewer*, 3 Atk. 160) was a case where the wife had exercised a power to appoint capital and not merely income. S., C., & H.

Nov. 7.

[The same principle as that laid down in Williams and Farwell is stated in Tristram & Coote's Probate Practice, 12th ed., at p. 38, but no authorities are given. We think that the explanation of the matter is probably that, though the Somerset House authorities may not require the will to be proved, no proceedings can be taken in any court in respect of the appointment until the will has been proved: See *Ex parte Limehouse Board of Works, Re Vallance* (24 Ch. D. 177, at p. 178).—ED. *S.J.*]

STAMPING STATUTORY RECEIPT OF FRIENDLY SOCIETY.

[*To the Editor of the Solicitors' Journal.*]

Sir,—The opinion and practice of some of your readers upon the following point would, we think, prove interesting.

It has always been our practice to stamp the statutory receipt of a friendly society, used instead of a reconveyance, with the same *ad valorem* duty as an ordinary reconveyance, but we have met solicitors who state that it is not their practice to do so—their ground for not doing so being that it falls within the words, "or other document required or authorized by this Act or by the rules of the society" (38 & 39 Vict. c. 60, s. 15 (2) (d)).

There appears, however, to be no authority for this, nor is it mentioned in Vacher's Stamp Digest. The wording appears, nevertheless, to be almost similar to that of section 41 of the Building Society Act, 1874, under which we, in common, we believe, with all other solicitors, have been in the habit of taking and giving receipts free of duty.

ENQUIRER.

[See observations under head of "Current Topics."—ED. *S.J.*]

CASES OF THE WEEK.

Court of Appeal.

MANCHESTER, SHEFFIELD, AND LINCOLNSHIRE RAILWAY CO. *v.* GUARDIANS OF DONCASTER. No. 1. Jan. 5.

POOR LAW—PAYMENT OF DEBTS—JUDGMENT ORDERING GUARDIANS TO PAY COSTS—TAXATION—LIMITATION OF TIME FOR PAYMENT—DEBT, CLAIM, OR DEMAND INCURRED OR BECOME DUE—POOR LAW (PAYMENT OF DEBTS) ACT, 1859 (22 & 23 VICT. c. 49), s. 1.

This was an appeal by the plaintiffs from a judgment of Day, J. The plaintiffs sought to obtain a *mandamus* addressed to the defendants, commanding them to pay to the plaintiffs the sum of £105 2s. 10d., with interest from the 9th of December, 1895. In 1892 the plaintiff railway company had been appellants in a rating appeal, the respondents being the Assessment Committee of Doncaster Union. A special case was stated by the court of quarter sessions for the opinion of the Queen's Bench Division, and was taken up to the Court of Appeal. On the 17th of July, 1893, the Court of Appeal gave judgment for the railway company, and ordered that the assessment committee should pay to the railway company their costs of the appeal. This judgment was affirmed by the House of Lords. On the 9th of December, 1895, the railway company's costs were taxed, and were allowed by the Taxing Master at the sum of £105 2s. 10d. The plaintiffs having brought this action, the defendants pleaded section 1 of the Poor Law (Payment of Debts) Act, 1859 (22 & 23 Vict. c. 49), which enacts as follows: "With respect to any debt, claim, or demand, which may, after the passing of this Act, be lawfully incurred by or become due from the guardians of any union or parish, . . . such debt, claim, or demand, shall be paid within the half-year in which the same shall have been incurred or become due, or within three months after the expiration of such year, but not afterwards." The question was whether the judgment-debt for costs became due at the date of the judgment of the Court of Appeal, or at the date of the Taxing Master's allocatur. Day, J., at the trial of the action without a jury, held, on the authority of the Court of Appeal in the case of *Guardians of West Ham* v. *Churchwardens, &c., of St. Matthew, Bethnal Green* (43 W. R. 419; 1895, 1 Q. B. 662), that the costs constituted a debt, claim, or demand, at the date of the judgment—viz., on the 17th of July, 1893, and he accordingly decided in favour of the defendants. The plaintiffs appealed. In the meantime the decision of the Court of Appeal in *Guardians of West Ham* v. *Churchwardens, &c., of St. Matthew, Bethnal Green*, had been reversed by the House of Lords (1896, A. C. 477). It was now admitted that, if the debt did not become due till the date of the Taxing Master's allocatur, the plaintiffs were entitled to judgment. Reference was made to *Midland Railway Co.* v. *Guardians of Edmonton Union* (43 W. R. 309; 1895, A. C. 485), *Holdsworth* v. *Wilson* (4 B. & S. 1), *Metropolitan District Railway Co.* v. *Sharpe* (38 W. R. 617, 5 App. Ca. 425).

THE COURT (Lord ESHER, M.R., and LOPES and RIGBY, L.JJ.) allowed the appeal, and gave judgment for the plaintiffs. Lord Esher, M.R., said the question was whether this case was governed by the decision of the House of Lords in *Guardians of West Ham* v. *Churchwardens, &c. of St. Matthew, Bethnal Green*. It was argued that the learned lords in that case based their judgment on the construction of one of the standing orders of the House. But he thought that they intended to put an interpretation on section 1 of the Poor Law (Payment of Debts) Act, 1859, and that interpretation was this—that, in the case of a judgment against guardians for costs, the time limited by the section did not begin to run till the costs were taxed. They were bound to follow that expression of opinion, and the appeal must be allowed.

LOPES, L.J., was of the same opinion. He thought that no distinction could be drawn between taxation of costs by the Clerk of the Parliaments and taxation of costs by an officer of the Supreme Court.

RIGBY, L.J., concurred.—COUNSEL, *C. A. Russell* and *J. W. Mansfield*; *Macmorran*, Q.C., and *W. A. Mesk*. SOLICITORS, *Cunliffes & Davenport*, for *Lingard-Monk*, Manchester; *Van Sandau & Co.*, for *F. E. Nicholson*, Doncaster.

[Reported by F. G. RUCKER, Barrister-at-Law.]

PITT PITTS *v.* GEORGE. No. 2. 24th and 25th July; 6th Nov.

COPYRIGHT—WORK FIRST PUBLISHED ABROAD—COPIES LAWFULLY PRINTED IN COUNTRY WHERE WORK FIRST PUBLISHED—IMPORTATION INTO UNITED KINGDOM FOR SALE OR HIRE—COPYRIGHT ACT, 1842 (5 & 6 VICT. c. 45)—INTERNATIONAL COPYRIGHT ACT, 1844 (7 & 8 VICT. c. 12), s. 10.

This was an appeal from a decision of Kekewich, J. The English copyright in "La Fileuse," a piece of music by the well-known composer Joachim Raff, had been assigned to the plaintiff. "La Fileuse" was first printed and published at Leipzig in 1870, and was then offered for sale at Leipzig and other places on the Continent. In October, 1875, the defendant imported into England for sale fourteen copies which had been printed at Leipzig and bought by him at Brussels. The plaintiff thereupon commenced an action for damages against the defendant, and moved for an injunction to restrain him from infringing the plaintiff's copyright by selling any copies of "La Fileuse." The Acts upon which the question mainly turned were the Copyright Act, 1842, and the International Copyright Act, 1844. Kekewich, J., refused the motion, holding that the Copyright Act, 1842, did not apply at all to such cases, and that section 10 of the International Copyright Act, 1844, did not apply because the copies imported had been printed in the country where the work was first published. Against this decision the plaintiff appealed. Judgment, which had been reserved from the 25th of July, 1896, was delivered on the 6th of November.

THE COURT (LINDLEY, LOPES, and RIGBY, L.JJ.; LOPES, L.J., dissenting) allowed the appeal.

LINDLEY, L.J., said: The plaintiff is the assignee of the English copyright in a German piece of music, published at Leipzig; and he seeks to restrain the defendant from importing into this country for sale here copies of the piece of music lawfully printed in Leipzig and sold to the defendant in Brussels. The title of the plaintiff is admitted; and it is conceded that although he has not registered his assignment that circumstance is immaterial, having regard to the International Copyright Act, 1886, and to the decision in *Hanfstaengl* v. *American Tobacco Co.* (43 W. R. 261; 1895, 1 Q. B. 347). It is further conceded that the question turns on the statutes relating to copyright in books, and not on the statutes relating to the performance of musical compositions or dramatic pieces. Kekewich, J., decided that the defendant was not infringing the plaintiff's rights; and from that decision the plaintiff has appealed. The case turns on the true construction of sections 2, 11, 13, 15, and 17 of the Copyright Act, 1842 (5 & 6 Vict. c. 45), and of sections 2, 3, and 10 of the International Copyright Act, 1844 (7 Vict. c. 12). The Copyright Act of 1842 (5 & 6 Vict. c. 45) has no reference to copyright in foreign works under any International Copyright Act. It contains, however, two sections for the protection of copyright in other lands—viz., sections 15 and 17. Section 15 gives a remedy by action on the case for: (1) Printing in any part of the British dominions for sale or exportation any book in which there is copyright, without the consent in writing of the proprietor of the copyright; (2) importing for sale or hire any such book so unlawfully printed; (3) selling, publishing, or exposing for sale or hire any such book known to have been so unlawfully printed or imported; (4) possessing for sale or hire any such book known to have been so unlawfully printed or imported. The section is so worded as apparently not to hit the importation of copies printed in foreign countries. This result is due to the use of the expressions "such book" and "so having been unlawfully printed," which occur after the clause which prohibits printing. I understand these expressions to mean as follows: "Such book" means any book in which there is copyright under the Act. "So having been unlawfully printed in any part of the British dominions," means without the written consent of the proprietor of the copyright. Section 17, however, goes further as regards the importation of printed books first composed or written or printed and published in the United Kingdom. If there is copyright in such books, the importation of copies to any part of the British dominions for sale or hire, except by the proprietor of the copyright, or by some one authorised by him, is absolutely prohibited, wherever such copies may be printed, and all such copies may be seized and destroyed by the officers of Customs or Excise. Penalties, moreover, are inflicted on the importers, on persons who sell, publish, expose for sale, or let for hire copies known by them to have been unlawfully imported. This section, however, is confined entirely to printed books first composed or written, or printed and published, in the United Kingdom. It does not apply to other books. Neither of these sections prohibits importation for private use, but only importation for sale or hire; neither of them, moreover, is framed with a view to protect copyright in books first published in foreign countries, nor would the language of these sections be applicable to such books unless made so by some other statute. Neither of these sections, moreover, alludes to any remedy by way of injunction. But, having regard to well settled principles of courts of equity, there can be no doubt that an injunction would be granted to protect the owner of copyright conferred by the Act, and to restrain an infringement of either section. I pass now to the International Copyright Act, 1844 (7 Vict. c. 12). The statute replaced an earlier International Copyright Act of 1838 (1 & 2 Vict. c. 59), which was found insufficient for the purpose of enabling the Crown to confer on the authors of works first published in foreign countries copyright to the same extent, and with the same remedies for infringement, as the authors of works first published in this country enjoyed under our own Copyright Acts. The preamble of the Act of 1844 alludes to this defect, and its main object is to remedy it. Accordingly, section 2 enables the Crown to confer on the authors of books first published in foreign countries the privilege of copyright therein; and section 3 enacts that persons on whom such privilege is conferred shall be entitled to the benefit of the

Act of 5 & 6 Vict. c. 45, in the same manner as if such books had been first published in the United Kingdom. The language of this section is very important. It enacts "that in case any such order" (*i.e.*, Order in Council) "shall apply to books, all and singular the enactments of the said Copyright Amendment Act, and of any other Act for the time being in force with relation to the copyright in books first published in this country shall, from and after the time so to be specified in that behalf in such order, and subject to such limitation as to the duration of the copyright as shall be therein contained, apply and be in force in respect of the books to which such order shall extend, and which shall have been registered as hereinafter is provided, in such and the same manner as if such books were first published in the United Kingdom"—subject to certain exceptions, which are not material. That section, unless controlled by section 10, requires the court, in effect, and so far as possible, to apply sections 15 and 17 of 5 & 6 Vict. c. 45 to books first published in foreign countries. But before attempting to do this it is necessary to consider section 10 of the Act of 1844, and to ascertain to what extent, if at all, it modifies section 3 or excludes the application of sections 15 and 17 of the Act of 5 & 6 Vict. c. 45. Section 10 enacts "that all copies of books wherein there shall be any subsisting copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any foreign country, except that in which such books were first published, shall be and the same are hereby absolutely prohibited to be imported into any part of the British dominions, except by or with the consent of the registered proprietor of the copyright thereof, or his agent authorised in writing, and if imported contrary to this prohibition the same and the importers thereof shall be subject to the enactments in force relating to goods prohibited to be imported by any Act relating to the Customs; and as respects any such copies so prohibited to be imported, and also as respects any copies unlawfully printed in any place whatsoever, of any books wherein there shall be any such subsisting copyright as aforesaid, any person who shall in any part of the British dominions import such prohibited or unlawfully printed copies, or who, knowing such copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose for sale or hire, or shall cause to be sold, published, or exposed for sale or hire, or have in his possession for sale or hire, any such copies so unlawfully imported or unlawfully printed, such offender shall be liable to a special action on the case at the suit of the proprietor of such copyright, to be brought and prosecuted in the same courts and in the same manner and with the like restrictions upon the proceedings of the defendant as are respectively prescribed in the said Copyright Amendment Act with relation to actions thereby authorized to be brought by proprietors of copyright against persons importing or selling books unlawfully printed in the British dominions." It will be observed that the section expressly excepts from its operation the importation of copies made in the country in which the copyright book was first published. This exception is quite new, and the reason for it is not stated. Moreover, the express prohibition against importation does not extend to copies printed in any of the British dominions. Such copies are, however, included in the second part of the section, which gives a remedy by action in respect of the importation of books unlawfully printed anywhere. The consequence appears to be that the Custom House officers cannot, under section 10, seize any copies of a foreign book in which there is copyright under the Act of 1844, unless such copies have been printed in some foreign country other than that in which the book was first printed. Copies printed in that country, or in any part of the British dominions, cannot be so seized under the section in question. The reason for this is difficult to discover. The power of seizing copies wrongfully imported for sale or hire, under section 17 of 5 & 6 Vict. c. 45, extends to copies printed anywhere abroad. Again, in framing section 10 the Legislature, in prohibiting importation, has drawn no distinction between importation for sale or hire and importation for other purposes. The distinction drawn is between importation with the consent of the proprietor of the copyright and importation without such consent. This was, no doubt, deemed an improvement. But why section 10 was framed as it is, and why, if intended to qualify and cut down the effect of section 3, those two sections should be left as they are, I confess I am unable to discover. But, however difficult it may be to account for the language in which section 10 is expressed, it is not difficult to interpret that language as it stands. Reading it in its plain, literal sense, the present case is expressly excepted from the operation of the section, for the importation complained of is of copies, not only printed, but also lawfully printed, in the country in which the copyright work was first published. So that the present case is not covered either by the first part of the section, which prohibits importation, nor by the second part, which gives a remedy by action. We are thus thrown back on sections 15 and 17 of 5 & 6 Vict. c. 45, with a direction (see section 3 of the Act of 1844) to apply them to a case to which their language is apparently inapplicable, and with a statement (see the preamble) that the object is to confer on the owners of copyright in foreign works greater rights than could have been conferred upon them under the earlier International Copyright Act, and similar in all respects to those enjoyed by British authors. The work here in question must be deemed to have been first published in this country, and the plaintiff must be treated as if he were the owner of the copyright in this country in such work. Section 3 of the Act of 1844 clearly requires these assumptions to be made. Section 3 does not say "first printed and published"; but I do not attach any importance to this verbal criticism. To attribute importance to it would nullify section 3. I take "published," in section 3, to include printing for publication. These assumptions appear to me necessarily to involve as consequences that the expressions "such book" and "so having been unlawfully printed," which occur in sections 15 and 17 of 5 & 6 Vict, c. 45, must be applied to the work the copyright of which belongs to the plaintiff. I have already pointed out that this could not be their meaning in the statute 5 & 6 Vict. c. 45. Even if section 15 cannot be held to apply, owing to its language being restricted to printing in the British dominions, section 17 can, for, as already pointed out, its scope is wider. To hold that neither section applies is to hold that section 3 of the Act of 1844 is absolutely nugatory, and in obedience to this section the difficulty in applying sections 15 and 17 of 5 & 6 Vict. c. 45, as to this case, must be got over. The alternative is to hold that the plaintiff has no remedy for a manifest injury, and that Parliament failed in 1844 to give effect to its declared intention. Mr. Scrutton in his very able argument almost persuaded me that this was so. His contention was that section 10 was intended to be a code containing a complete enumeration of the remedies available for an infringement of copyright in foreign works, and that it was inconsistent with sections 15 and 17 of 5 & 6 Vict. c. 45, if applied to such copyright. I confess I was much struck with this contention; but I cannot adopt it. Section 10 is certainly not a complete code, for, in the face of section 3, it cannot be regarded as impliedly depriving the proprietors of copyright under the Act of 1844 of any of the rights which that section and the statute there referred to confer upon them. The truth is that, when closely examined, section 10 will be found not to cover the whole ground covered by section 3 and the incorporated sections 15 and 17 of 5 & 6 Vict. c. 45. What, then, is the true inference from the express exception in section 10? Is it to be inferred that the foreigner entitled to copyright in this country is liable to have that copyright infringed by any importer of books printed in his own country; or is the inference to be that, as regards such books, he is entitled to the same protection as a British author would have under the Act of 1842? The latter inference is most in accordance with legal principles and good sense, and is the only inference which is consistent with the preamble and section 3 of the Act of 1844. If the defendant's contention were correct, it would follow that a foreign author could assign his English copyright and import and sell copies of his work here in competition with his own assignee, unless prevented from so doing by express agreement. Such a state of our law would not be very creditable, and I am glad to find that the court is not driven to hold the law to be unsatisfactory, nor to hold that, owing to a blunder in drafting, the Legislature has conspicuously failed to attain its declared and manifest object. One other point was urged which requires notice. The defendant is the purchaser of the books he has imported, and it is contended that he has a right to dispose of those books as he likes, without any interference from the owner of the foreign copyright or from the plaintiff, who claims under him. The right, however, of the defendant to use in this country the books which he bought abroad depends on the law of this country, and not on the law of the place of sale. The copyright in this country confers upon the plaintiff rights here which no contract of sale abroad by other persons can deprive him of. Even if the defendant had bought his copies direct from the proprietor of the foreign copyright, the defendant would be in no better position as against the plaintiff than such proprietor himself; and for reasons already given he could not justify what the defendant claims the right to do. The appeal must be allowed.

LOPES, L.J., said:—It is with great diffidence that I differ from my brothers in this case, who are much more familiar than I am with these Copyright Acts; but after careful consideration I have arrived at the same conclusion as Kekewich, J., in the court below. The piece of music in question was first published in Leipzig, and the plaintiff is the assignee of the English copyright in this German piece of music. Copies of the piece of music printed in Leipzig and sold to the defendant in Brussels have been imported into this country for sale here. The plaintiff seeks to restrain the defendant from such importation. Whether he can do so depends on certain provisions in the Copyright Acts, which are by no means clear. Sections 15 and 17 of 5 & 6 Vict. c. 45 have been relied on. I cannot discover how the prohibition contained in section 15 can apply to the importation of books printed in foreign countries in which an English author has no copyright. This section applies to the British dominions only. Nor can I see how section 17 applies to a case like the present. It is directed against the importation of foreign copies of copyright works first composed or written or printed in the United Kingdom. This piece of music was first printed in a foreign country—viz., in Germany. We must now look at the 7 & 8 Vict. c. 12, and the important section is section 10. This section deals with copies of books (book by the interpretation section including sheets of music) wherein there shall be any copyright subsisting under this Act or any Order in Council made in pursuance thereof, but printed or reprinted in any foreign country. If there was nothing more, this section would cover the present case; but there occur in this section these important words, "except that in which such books were first published." I am unable to disregard this exception, which, in my judgment, was inserted to meet a case like the present. It is said that this exception is to be disregarded because section 3 of the same Act says that, in case any such order (*i.e.*, an Order in Council) shall apply to books, all and singular the enactments of the said Copyright Amendment Act (*i.e.*, 5 & 6 Vict c. 45), and of any other Act for the time being in force with relation to the copyright in books first published in this country, shall from and after the time so to be specified in that behalf in such order and subject to such limitation as to the duration of the copyright as shall be therein contained, apply to and be in force in respect of the books to which such order shall extend, and which shall have been registered as hereinafter is provided in such and the same manner as if such books were first published in the United Kingdom, &c. The question is whether anything in this section is so repugnant to the exception contained in section 10 as to render it inoperative. I think they may be read together, section 3 dealing with foreign countries not being countries where books were first published,

and section 10 excepting countries where such books were first published. It is said this imposes a great hardship on the plaintiff and assignees circumstanced in the same way as the plaintiff. That may be so, but we have to construe the Acts of Parliament, and the plaintiff might have protected himself by an express covenant.

RIGBY, L.J., concurred with LINDLEY, L.J.—COUNSEL, *Cozens-Hardy*, Q.C., and *Ingpen; Scrutton*. SOLICITORS, *W. M. Tilson; Mann & Taylor*.

[Reported by R. C. MACKENZIE, Barrister-at-Law.]

ERNEST *v.* LOMA GOLD MINES (LIM.) No. 2. 4th and 10th Nov.

COMPANY—MEETING OF SHAREHOLDERS—SPECIAL RESOLUTION—PROXIES—MODE OF TAKING VOTES—SHOW OF HANDS—COMPANIES ACT, 1862 (25 & 26 VICT. c. 89), s. 51—BLANKS IN PROXY—STAMP ACT, 1891 (54 & 55 VICT. c. 39) s. 80.

This was an appeal from a decision of Chitty, J. (40 S. J. 684). The plaintiff, a shareholder of the defendant company, moved before Chitty, J., for an *interim* injunction to restrain the company from carrying out a special resolution passed by an extraordinary general meeting of the company on the 3rd of June, 1896, and confirmed by another meeting of the 1st of July, 1896, for the voluntary liquidation and reconstruction of the company. By the articles of the company it was provided that every motion made and submitted at a general meeting should be decided in the first instance by a majority in number of the members, to be ascertained by a show of hands; that every member should have one vote for every share which he should hold in the company; and that votes might be given either personally or by proxy. The plaintiff attended the meeting of the 3rd of June holding 431 proxies, and claimed to vote on behalf of himself and the proxies which he held, but the chairman ruled against this claim. Had the plaintiff been allowed to count the proxies the resolution would have been lost, though on a show of hands it was carried. A poll could not be demanded because there were not sufficient shareholders present to demand one. Section 51 of the Companies Act, 1862, is as follows:—"A resolution passed by a company under this Act shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the company for the time being entitled, according to the regulations of the company, to vote as may be present in person or by proxy (in cases where, by the regulations of the company, proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the company, to vote as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Chitty, J., held that the chairman was quite right in taking a show of hands and declaring the motion carried on that basis; further, a shareholder who held proxies for others was still entitled to only one vote. A second question was raised as to the validity of the proxies. By a printer's error the day and hour appointed for the meeting had been omitted from the proxy which was sent to each shareholder with the notice convening the meeting. The secretary, having discovered the error, sent a further circular to each member saying that if the proxy had already been returned to him, he should assume that he had authority to fill in the date and hour where it had been left blank. Chitty, J., held that the proxies were valid and had been properly stamped within the meaning of the Stamp Act, 1891. The plaintiff appealed on both points.

THE COURT (LINDLEY and A. L. SMITH, L.JJ.) dismissed both appeals, giving judgment on the second point at once, and upholding the decision of Chitty, J., while judgment was reserved on the first point.

On the 10th of November the written judgment of the court was delivered by

LINDLEY, L.J., as follows: This is an appeal from a decision of Chitty, J., reported in 1896 (2 Ch. 572). The question raised by the appeal is how absent members of a registered company are to vote at a meeting called under section 51 of the Companies Act, 1862, when no poll is demanded. The question is important, because different views have been taken by different judges of the High Court. Before referring to the decisions it is necessary to read section 51, on the construction of which the question really turns. [His lordship read the section, and continued:—] It will be observed that this section contemplates cases in which a poll is demanded and cases in which no poll is demanded. A valid resolution may be carried without a poll as well as with a poll. The section does not say how votes are to be given or counted when a poll is not demanded. The section is framed upon the assumption that the mode of voting in such a case is well known, as in truth it was and is—viz., by show of hands—*i. e.*, by counting the persons present who are entitled to vote and who choose to vote by holding up their hands. We can find nothing in the section to alter or to exclude this well-known mode of conducting business, nor so far is there any controversy. The controversy arises in this way. Absent members who have appointed proxies vote by those proxies; but unless a poll is demanded the person present is only counted once, however numerous may be the persons whom he represents. Such is admitted to be the common practice. But it is contended that the practice in this respect is inconsistent with section 51, and that when that section applies, as it does in this case, each absentee whose proxy is present and who votes is entitled to be treated as present himself and as holding up his hand, so that on a show of hands each person present and entitled to vote and voting ought to be counted not once only, but once for every person whom he represents. It is not contended that the number of votes which each absentee can give on a poll is to be counted: the contention is that each absentee who has given a proxy, who is present and votes, is to be counted as a member present and holding up his hand. This contention is based on the words "present in person or by proxy." Absentees, it is contended, are present by their proxies and must, therefore, be counted as persons present if those proxies vote. This ingenious argument, however, fails to give sufficient effect to the words, "entitled according to the regulations of the company to vote." The regulations of each company must therefore be regarded. The regulations of every company are, however, themselves framed with reference to ordinary business habits and are based upon the assumption that business will be conducted in the ordinary way. Section 51 of the Act is intended to be worked with the regulations contained in Table A in the case of companies having no other regulations, and Table A impliedly authorizes voting by show of hands in the ordinary way if no poll is demanded; and it also authorizes voting by proxy (see Article 48); but the proxies must be members of the company (Article 49). The articles of association of the present company exclude Table A, but contain similar provisions as regards voting, and also an express provision (60) that "at any general meeting every motion made and submitted shall be decided, in the first instance, by a majority in number of the members to be ascertained by a show of hands." This express provision is not in Table A; but, in our opinion, it is implied although not expressed. Section 51 of the Act does not render this article inapplicable to general meetings called to pass special resolutions. The section and the article must be read together, and, so read, the argument of the appellant renders it necessary to say that the effect of section 51 is to introduce a mode of voting by show of hands, which is quite contrary to ordinary business habits and which no one has ever known adopted in practice. Absent members, who vote by one and the same proxy when no poll is demanded, vote not separately as if they were individually present but as an aggregate; their proxy, if a member, holding his hand up and so giving one vote, but only one for himself and them. Absentees, if they are to be regarded as present by proxy before a poll is demanded, vote in this way and no other. The above mode of voting and no other is that which is contemplated by the Legislature when no poll is demanded, as is shewn by Table A; and this mode and no other is consistent with the articles of this company. This was Chitty, J.'s, view. The same view was taken by Kay, J., in *Re Calorie Engine, &c., Signals Co.* (52 L. T. N. S. 846), and by the Court of Appeal in *Re Horbury Bridge Wagon Co.* (27 W. R. 433, 11 Ch. D. 109). It is true that the only point decided in this last case was that on a show of hands shares ought not to be counted. No one suggested that absentees should be counted as present. The observations of Sir George Jessel on the mode of voting by show of hands are clearly against the propriety of so counting them. In *Re Bidwell Brothers* (41 W. R. 363; 1893, 1 Ch. 603), Vaughan Williams, J., however, decided that on a show of hands absent members entitled to vote by proxy ought to be counted as present if their proxy is himself present and votes. We agree that this is true if the proxy is a non-member and represents only one person—viz., the absentee for whom he votes. The proxy's vote must be counted, and that vote is in effect the vote of the absentee. But to hold that on a show of hands a proxy has more than one vote is to introduce a mode of voting never heard of in practice, and not, in our opinion, required by law. Section 51 of the Companies Act, 1862, is a reproduction of section 34 of the Joint-Stock Companies Act, 1857, and if Vaughan Williams, J.'s, decision is right, a practice which has prevailed ever since 1856, if not for even a longer period, will have been improper. Such a conclusion makes it necessary to examine the grounds on which it is based with great care and some suspicion, and for the reasons above stated we have come to the conclusion that the decision in *Re Bidwell Brothers* (*ubi supra*) is erroneous and ought not to be followed. The appeal must be dismissed with costs. Appeal dismissed.—COUNSEL, *Ashton Cross; Byrne*, Q.C., and *E. W. Stock*. SOLICITORS, *W. T. Hart; Powell & Burt*.

[Reported by W. SHALLCROSS GODDARD, Barrister-at-Law.]

MUTUAL RESERVE FUND LIFE ASSOCIATION *v.* NEW YORK LIFE INSURANCE CO. No. 2. 10th Nov.

SPECIFIC PERFORMANCE—CONTRACT FOR PERSONAL SERVICE—"EXCLUSIVE" SERVICE—INJUNCTION—NEGATIVE COVENANT, WHEN TO BE IMPLIED

Appeal from Pollock, B., who had refused the plaintiff company's motion for an interlocutory injunction. One Harvey, of Liverpool, had entered into an agreement with the plaintiff company to act "exclusively" as agent for the plaintiff company in obtaining insurance "risks" in a certain district, so far as to tender to the plaintiff company all risks obtained by him and under his control. Afterwards, learning that Harvey was introducing insurance business to the defendant company, the plaintiff company commenced an action against the defendant company and Harvey, and moved for an interlocutory injunction restraining the defendant company from employing Harvey, and Harvey from acting as the defendant company's agent. Pollock, B., refused the motion, and the plaintiff company appealed.

THE COURT (LINDLEY and A. L. SMITH, L.JJ.) dismissed the appeal.

LINDLEY, L.J., said:—This case is, like some others, a little on the line, and it must turn on the true construction of the contract between the parties, and on the application to that contract, when properly construed, of the principles on which this court is in the habit of acting. As regards those principles, I need only refer to the case of *Whitwood Chemical Co.* v. *Hardman* (39 W. R. 433; 1891, 2 Ch. 416), because the principles will be found fully explained there. I quite agree that, although there

may not be a covenant absolutely and clearly negative in terms, still, if you can extract from a contract of this kind a negative covenant sufficiently clear and definite to enable you to put your finger upon it and state exactly when a man is prohibited from doing, an injunction may be granted. But the difficulty I feel here is in coming to the conclusion that the covenant we are asked to imply can be made sufficiently definite. My impression is that it is not. I think the plaintiffs have taken a much wider view of their rights than the contract justifies. Harvey is at liberty to do anything he likes which is consistent with his duties as agent for the plaintiff company; and when we come to look at that provision of the contract which is supposed to import a negative covenant, it is seen to be very carefully and narrowly restricted. [The Lord Justice stated the nature of the agreement, and continued:—] Here, then, is the only clause which at all imports a negative covenant. Harvey agrees to act exclusively for the plaintiffs in so far as to tender to them all risks obtained by him or under his control. The whole difficulty arises from the word "exclusively." His duty is to send to the plaintiff company such risks as he can procure for them. Suppose a person asks him to take a risk of a totally different kind, I should say Harvey is bound to try to induce him to insure with the plaintiff company. But if the insurer refuses to do that, I do not see that there is anything to prevent Harvey sending the risk to someone else. Here, then, we have not got any clear and definite negative covenant. Could anyone say what is the exact limit of the negative covenant to be implied? There appears to me to be sufficient vagueness to bring this case within the principle of *Whitwood Chemical Co.* v. *Hardman* (*ubi supra*), and not within the principles of *Lumley* v. *Wagner* (1 De G. M. & G. 604). I think the view taken of *Lumley* v. *Wagner* has been that it is not desirable to extend that decision. I look upon *Lumley* v. *Wagner* and that whole class of cases as rather anomalous. I am bound by them, and, of course, shall follow them. But before an injunction can be granted there must be a clear and distinct negative covenant expressed; or if it is to be implied it must be so definite that the court can see exactly the limits of the injunction it is asked to grant. Here, I think, the whole thing is too hazy and indefinite for us to do anything of the kind, and therefore it appears to me that this appeal must be dismissed with costs.

A. L. SMITH, L.J., delivered judgment to the same effect.—COUNSEL, *Lawson Walton*, Q.C., *F. M. Abrahams*, and *Mellinson*; *Bigham*, Q.C., and *Muir Mackenzie*; *Robson*, Q.C., and *Bremner*. SOLICITORS, *Michael Abrahams, Sons, & Co.*; *Brook, Freeman, & Co.*, for *Wright, Beckst, & Co.*, Liverpool; *Ashurst, Morris, Crisp, & Co.*

[Reported by R. C. MACKENZIE, Barrister-at-Law.]

High Court—Chancery Division.

Re **EASTMAN PHOTOGRAPHIC MATERIALS CO.'S TRADE-MARK.**

Kekewich, J. 6th Nov.

TRADE-MARK—"SOLIO"—"REFERENCE TO THE CHARACTER OR QUALITY OF THE GOODS"—DESCRIPTIVE WORD—PATENTS, DESIGNS, AND TRADE-MARKS ACTS, 1883 AND 1888 (46 & 47 VICT. c. 57, s. 64; 51 & 52 VICT. c. 50, s. 10).

This was an appeal from the decision of the Comptroller-General of Patents, Designs, and Trade-Marks refusing to register the trade-mark "Solio" in connection with photographic printing paper, on the ground that the word "Solio" was not "a word having no reference to the character or quality of the goods" within clause (*e*) of section 10, sub-section 1, of the Patents, Designs, and Trade-Marks Act, 1888 (the section substituted for section 64 of the Patents, Designs, and Trade-Marks Act, 1883). Counsel in support of the application referred to the following cases: *Re Farbenfabriken Application* (42 W. R. 488; 1894, 1 Ch. 645), *Re Denham's Trade-Mark* (43 W. R. 515; 1895, 2 Ch. 176), and *Re Trade-Mark No.* 58,405, "*Beeril*" (1896, 2 Ch. 600).

KEKEWICH, J., refused the application, and in giving judgment said:—In cases like the present it is desirable for the public that there should be a continuity in the decisions and practice. It appears that it has been the practice of the Comptroller-General consistently to refuse to register the word "Sun," or any device or words relating to the sun, as a trade-mark in connection with photographic articles or apparatus. If I were now to grant this application I should be reversing that practice, but, before doing so, I ought to be satisfied that the Comptroller was wrong. In my opinion, however, the Comptroller was right in his refusal. The word "Solio" connotes the idea of the "sol" or sun, and nearly everybody knows that sunlight is essential to photographic printing. This being so, I have no doubt that people taking the printing paper and seeing the name "Solio" would think that sunlight was an essential characteristic of the article. I think, therefore, that this word comes within clause (*e*) of the section, and that the Comptroller was right and that the word should not be registered.—COUNSEL, *Moulton*, Q.C., and *Kerly*; *The Attorney-General* and *Ingle Joyce*. SOLICITORS, *Bird, Moore, & Strode*; *Solicitor to the Board of Trade*.

[Reported by R. J. A. MORRISON, Barrister-at-Law.]

High Court—Queen's Bench Division.

REG. *v.* **SMALLMAN.** Crown Cases Reserved. 7th Nov.

CRIMINAL LAW — EMBEZZLEMENT — ASSISTANT OVERSEER — SERVANT OF INHABITANTS OR OF PARISH COUNCIL—POOR RELIEF ACT, 1819 (59 GEO. 3, c. 12), s. 7—LOCAL GOVERNMENT ACT, 1894 (56 & 57 VICT. c. 73), ss. 5, 81.

The prisoner was tried before Hawkins, J., at the summer assizes at Hereford and found guilty of embezzling money which he had collected as assistant overseer of the parish of Upton Bishop. In the indictment the prisoner was described as "being in the employment as servant of the inhabitants of the parish of Upton Bishop," and it was alleged that whilst he was so employed he received certain money "on the account of the said inhabitants, his employers." The question was whether the prisoner's employment was rightly described in the indictment. The material facts were as follows:—The prisoner was duly nominated and appointed assistant overseer for the parish of Upton Bishop, by the justices on the nomination of the vestry of the parish, under 59 Geo. 3, c. 12, s. 7, in December, 1893. On the 10th of April, 1895, he was also appointed to that office and to the office of clerk to the parish council by the parish council for the parish of Upton Bishop under section 5 of the Local Government Act, 1894. Neither of the appointments above mentioned was in form revoked, and he continued to hold his offices until the 30th of January, 1896, when he was dismissed from them. The embezzlements were each committed after April, 1895, and before his dismissal. It was contended on behalf of the prisoner that by virtue of the Local Government Act, 1894, the prisoner had become the servant of the parish council, and that he was not the servant of the inhabitants, and that the indictment was therefore bad. The enactments bearing on the question are referred to in the judgment of Pollock, B. The case was argued on the 1st of August before Lord Russell of Killowen, C.J., Pollock, B., and Hawkins, Grantham, and Lawrance, JJ., when judgment was reserved.

HAWKINS, J., now read the written judgment of

POLLOCK, B., who, after stating the facts, continued:—The 59 Geo. 3, c. 12, s. 7, provided for the election of assistant overseers by "the inhabitants of any parish in vestry assembled." The same section enacted that two justices are to appoint such persons so elected. It is clear, however, that they were when so elected and appointed the servants of the inhabitants of the parish, although their formal appointment was by the justices, and accordingly, when it became necessary to prosecute an assistant overseer for embezzlement, he was usually described as in the present indictment, and in *Reg.* v. *Sampson* (1 Cox C. C. 355) it was decided by Baron Rolfe that an indictment describing an assistant overseer as a clerk or servant to the overseers was bad, and in *Reg.* v. *Carpenter* (L. R 1 C. C. R. 29) it was held that an assistant overseer was properly described as "a servant of the inhabitants of the parish." Thus far there seems no difficulty. But in 1894 the 56 & 57 Vict. c. 73 was passed, and this Act materially alters the mode of appointing assistant overseers, and uses language which creates a doubt, and has given rise to the question raised by the present case. [His lordship then referred to the following sections: Section 5 (1) "The power and duty of appointing overseers of the poor and the power of appointing and revoking the appointment of an assistant overseer for every rural parish having a parish council shall be transferred to and vest in the parish council." Section 6 (1), which contains a general transfer to the parish council of the powers, duties, and liabilities of the vestry of the parish with certain exceptions. Section 81 (3) "any existing assistant overseer in a parish for which a parish council is elected shall, unless appointed by a board of guardians, become an officer of the parish council" (4) "every such . . . assistant overseer . . . shall hold his office by the same tenure and upon the same conditions as heretofore, and which, performing the same duties, shall receive not less salary or remuneration than heretofore."] The statute under which the prisoner was indicted is the 24 & 25 Vict. c. 96, which, by section 68, provides that, "whosoever being a clerk or servant or being employed for the purpose or in the capacity of a clerk or servant shall fraudulently embezzle any chattel, money, or valuable security which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer . . . shall be deemed to have feloniously stolen the same from his master or employer." The Act, it will be observed, says nothing about the appointment of the clerk or servant. The two material facts are that the prisoner should be a "clerk or servant," and that he should embezzle the money received by him "on the account of his master or employer." Now, it may well be that a person or body of persons may have the appointment of a clerk or servant and yet when he is appointed he becomes not the servant of those who appointed him, but of those whose affairs he has to manage and whose money he has to receive and pay over according to their instructions. It was upon this ground that in the cases of *Reg.* v. *Watts* (3 A. & E. 461) and *Reg.* v. *Carpenter* (L. R. 1 C. C. R. 29) an assistant overseer was held to be the servant, not of the magistrates who appointed him or of the overseers, but of the inhabitants of the parish. It seems that, notwithstanding the parish council have the power of appointing assistant overseers, their duties when appointed are the same as they were when they were elected and nominated by the vestry and appointed by justices. The rates collected, the persons from whom, and the purposes for which they are collected remain as before, and the money can in no sense be said to be the money of the parish council, nor can that council direct how it shall be dealt with. It would seem, therefore, that the prisoner was employed to collect the rates for the inhabitants of the parish, and that he received the money on their account and was accountable to them for it, and not to the parish council, and, therefore, in the indictment under consideration he was properly described as being in the employment as servant of the inhabitants of the parish and as having received, whilst so employed, money on account of the said inhabitants. In one sense, as the parish council appoint and revoke the appointment of assistant overseers, they are officers of the council, but they may not the less, in so far as the receiving and holding of money collected as rates, be the servants of and employed by the inhabitants, especially when it is clear that with respect to the discharge of those

duties the council could not give any orders or directions having no interest in their proper discharge. The object and effect of the Act of 1894 *quoad* the assistant overseers is to place the council in the position formerly occupied by the inhabitants of the parish in vestry assembled, whilst it leaves the duties and employment of the assistant overseers the same as they were before that Act was passed. The description in the indictment, therefore, is correct, and the conviction must be affirmed.

Lord RUSSELL OF KILLOWEN, C.J., concurred in the above judgment of Pollock, B.

HAWKINS, J.—I entirely concur in the judgment of my brother Pollock which I have just delivered. There can be no doubt that the money received by an assistant overseer in respect of the poor rates is not the money of the parish council, and no action could be maintained by or against the parish council in respect of it. It is money which it is the duty of the assistant overseer to pay over to the overseers for distribution by them on behalf of the inhabitants of the parish for which they are appointed. For the purposes of such an indictment as this the money is properly described as the money of such inhabitants. If the contentions of the prisoner's counsel are correct, it would seem to follow that no prosecution under the statute 24 & 25 Vict. c. 96, s. 68, for embezzlement of rates by an assistant overseer appointed by a parish council could be sustained, for that section only makes it embezzlement for a clerk or servant to embezzle money received in the name or on account of his master or employer; and if the parish council is to be considered as the master or employer of the assistant overseer, and the money said to be embezzled is not received in the name or on account of the council but on the account of the inhabitants of the parish, the requirements of the statute to constitute the crime of embezzlement would not be fulfilled, for the clerk or servant of the one body would have received money belonging to and on account of the other. It may be that for some purposes the assistant overseer may be the servant of the parish council, but for the purpose of collecting the poor rates he is the servant of the inhabitants whose money he collects.

GRANTHAM, J., also delivered a written judgment to the same effect.

LAWRANCE, J., concurred. Conviction affirmed.—COUNSEL, *Cranstoun; Macmorran*, Q.C., and *Gwynne James*. SOLICITORS, *M. L. B. Braund*, for *Hebb*, Ross; *Prior, Church, & Adams*, for *Burt*, Ross.

[Reported by T. R. C. DILL, Barrister-at-Law.]

REG. v. KING. Crown Cases Reserved. 7th Nov.

CRIMINAL LAW—OBTAINING GOODS BY FALSE PRETENCES—EVIDENCE.

Case stated by the chairman of the Huntingdon Quarter Sessions. The defendant was charged with obtaining goods from various persons by means of false pretences, the indictment including forty counts. In the first count it was alleged that the prisoner falsely pretended to one Shackleton, that he, the defendant, was carrying on business as a farmer or dairyman, and by means of such false pretence obtained from Shackleton two steel churns. In the course of the trial the prosecutor was asked what opinion he formed as to the position and occupation of the defendant on the receipt of a letter from him, in which appeared the expression that "the churns were required for home use." Counsel for the defendant objected to the question, and cited *Reg.* v. *Cooper* (2 Q. B. D. 510): the objection was overruled, and Shackleton replied, "I thought the defendant was either a farmer or a dairyman." The prisoner was convicted, and was sentenced to three years' penal servitude. At the same sessions the defendant was indicted and tried on a charge of larceny relating to the same goods which formed the subject of some of the later counts in the indictment for obtaining goods by false pretences; he was convicted, and sentenced to a term of imprisonment to run concurrently with the previous sentence of penal servitude. The questions were whether the evidence of Shackleton above referred to was rightly received, and whether the defendant could be convicted of larceny in the manner stated.

No counsel appeared.

HAWKINS, J., came to the conclusion in the first case that the evidence was admissible. In a charge of false pretences it was necessary to shew (1) that the pretence was made; (2) that the person to whom it was made believed it to be true; (3) that the goods were obtained by means of the pretence. When the question to be proved was whether the person to whom the pretence was made believed it, he saw no other method of proof than by asking him what was his honest opinion of the letter. The evidence therefore was admissible, though not necessarily decisive. That answered the first question left to the court. The prisoner must therefore undergo his sentences. As to the second question, he held that the trial for larceny ought not to have taken place at all. It was against all principles of criminal law that a man should be twice put in danger for the same offence. Added to that the goods which were obtained by him by false pretences were alleged to be stolen by him. The two indictments were inconsistent. That part of the sentence must be quashed. Practically it would make no difference to the defendant, because the sentences were concurrent and he would be undergoing his three years' penal servitude, but so far as it was any relief to him he had the benefit of the judgment of the court.

CAVE, J., concurred. He said the evidence was not only admissible but necessary, and the case of *Reg.* v. *Cooper* cited for the prisoner shewed it.

GRANTHAM and LAWRANCE, JJ., concurred.

WRIGHT, J., agreed that the evidence was admissible, but for the purpose only of shewing whether the prosecutor believed the statement made, not as to whether the words were capable of bearing the meaning put on them.

[Reported by T. R. C. DILL Barrister-at-Law.]

VESTRY OF THE PARISH OF ST. MARY, BATTERSEA (Appellants) v. PALMER AND ANOTHER (Respondents). Div. Court. 5th Nov.

METROPOLIS—MANAGEMENT ACTS—"NEW STREET"—PAVING EXPENSES—ROAD PARTIALLY BUILT ALONG—METROPOLIS MANAGEMENT ACT, 1855 (18 & 19 VICT. c. 120), s. 105—METROPOLIS MANAGEMENT (AMENDMENT) ACT, 1862 (25 & 26 VICT. c. 102), s. 77.

This was a case stated by R. O. B. Lane, Esq., one of the metropolitan police magistrates. The respondents were summoned by the appellants to answer a claim made by the latter for a certain sum of money apportioned by order of the appellants in respect of certain premises of which the respondents were owners and occupiers, and being the proportion alleged to be payable in respect of such premises towards the expenses of paving a new street known as Ramsden-road. The facts of the case are as follows: The appellants are a vestry within the meaning of the Metropolis Local Management Act, 1855 (18 & 19 Vict. c. 120), and the amending Acts. Ramsden-road is a highway, a portion of which is in the appellants' district, and was formed or laid out as a road after the year 1866. A portion of the road had been built upon. The respondents are the owners and occupiers of two plots of land in and abutting on the said road. In 1894 the appellants paved the said road, and apportioned the costs and expenses on the owners of the houses and land bounding and abutting on the road. The Battersea portion of Ramsden-road is about 200 yards long, and only two buildings abut on it, but there are plots of land that might be used for building. On the part of the appellants it was contended that the Battersea portion of the Ramsden-road was a street within the meaning of 18 & 19 Vict. c. 120, s. 250, and that it had been laid out and formed since the passing of the Act 25 & 26 Vict. c. 102, and was therefore in law a "new street" within the meaning of 25 & 26 Vict. c. 102, s. 112, and that the appellants were therefore entitled to pave it when they deemed it necessary, and to recover the cost and expenses from the owners of the houses and lands abutting on the road. For the respondents it was contended that the road was not a "new street," and that before any road could become a "new street" a substantial portion, or at any rate one side of the road, must be occupied by buildings. The magistrate found that the Battersea portion of Ramsden-road was not a "new street" in the popular sense of the term, and he dismissed the summons on the ground that it was not a "new street" within the meaning of section 105 of 18 & 19 Vict. c. 120, and section 77 of 25 & 26 Vict. c. 102. The vestry thereupon obtained a case stated. The question of law for the court was whether the Battersea portion of Ramsden-road was a new street within the meaning of the above two sections, so as to enable the vestry to recover a proportionate part of paving it from the respondents.

THE COURT (GRANTHAM and WRIGHT, JJ.) dismissed the appeal.

GRANTHAM, J., was of opinion that the magistrate was right in dismissing the summons, though he did not entirely agree with him in his reasons. Section 105 of 18 & 19 Vict. c. 120 was undoubtedly extended by section 77 of 25 & 26 Vict. c. 102, as the latter section gave the vestry power to charge the owners of the land as well as the owners of houses with a proportion of the costs of paving new streets, but it did not render the owners of land chargeable exclusively. On reading section 105 of the older Act it appeared to him that that section contemplated houses on one side or other of the road, therefore he thought this was not a "new street."

WRIGHT, J., concurred. Section 105 clearly contemplated a street composed, either in part or wholly, of houses, for it referred to the "owners of houses forming such street." Section 77 of the later Act only extended section 105 by enabling the vestry to charge the owners of land unbuilt upon as well as owners of houses. Appeal dismissed.—COUNSEL, *Channell*, Q.C., and *Earle; Freeman*, Q.C., and *Daldy*. SOLICITORS, *W. W. Young & Son; Simpson, Palmer, & Winder*.

[Reported by E. G. STILLWELL, Barrister-at-Law.]

FOWLE v. FOWLE. Div. Court. 2nd Nov.

FOOD AND DRUGS—ADULTERATION—BEESWAX—SALE OF FOOD AND DRUGS ACT, 1875 (38 & 39 VICT. c. 63), s. 6.

This was a case stated by justices in and for the county of Kent, who dismissed an information by Thomas Fowle, the appellant, against T. A. Fowle, the respondent, for that he on the 7th of February, at Marden, did unlawfully sell, to the prejudice of a purchaser, a certain article called or known as beeswax, which was not of the nature, substance, and quality of the article demanded, containing about fifty parts beeswax and fifty parts foreign matter—to wit, paraffin. The facts as set out in the case shewed that the appellant's agent went to the respondent, who kept a grocer's shop, and asked for a quarter of a pound of beeswax. The respondent handed him this, but stated that he could not guarantee that it was pure. The agent asked him if he sold it as beeswax, and the respondent answered "Yes." There was no label on the beeswax. The analyst certified that the beeswax was adulterated, as it contained fifty parts of paraffin. The justices held that there had not been a sale of a "drug" within the meaning of the Sale of Food and Drugs Act, 1875, and dismissed the information. On behalf of the appellant it was now contended that yellow wax and beeswax were the same thing, and that yellow wax was a "drug" within the meaning of the Act. Beeswax was, further, within the definitions given in dictionaries and in the "British Pharmacopœia." Beeswax was used in the preparation of certain medicines.

THE COURT (GRANTHAM and WRIGHT, JJ.), in dismissing the appeal, expressed their opinion that on the facts as stated—namely, that the beeswax had been sold by a small country grocer and had not been made

by himself, the beeswax was not a drug. Beeswax was not always used as a drug. If anyone wanted beeswax to use as a drug he would not go to a small country grocer. In this case it was not sold as a drug, and the justices had acted quite rightly in dismissing the information. Appeal dismissed.—COUNSEL, *T. Mathew*. SOLICITORS, *Warner & Turner*, Tonbridge.

[Reported by E. G. STILLWELL, Barrister-at-Law.]

REG. v. MAYOR, &c., OF HASTINGS. 6th Nov.

LOCAL GOVERNMENT—SEWER—LIABILITY OF CORPORATION TO REPAIR—PUBLIC HEALTH ACT, 1875 (38 & 39 VICT. c. 55), ss. 15, 41—PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 (53 & 54 VICT. c. 59), s. 19.

In this case a rule *nisi* had been obtained for a *mandamus* calling upon the Corporation of Hastings to repair and maintain a certain drain or sewer. The question raised was whether the corporation or the owner of the houses connected with the drain or sewer was liable. The facts stated were as follows. The appellant was the owner of twenty-nine houses in Athelstone-road, Hastings. These houses were built by and became the property of W. Rogers, and were passed by the authority as being fit for human habitation. Each house drained into a drain at the back of the row, running at one end into the common sewer in the aforesaid street. The houses subsequently became the property of W. B. Young, the appellant. Certain wells at the rear of these houses became polluted owing to defects in the said drain. The appellant contended that the drain was a public sewer, and that the urban authority ought to keep it in repair, and sought to compel them to do so by *mandamus*. Section 148 of the Hastings Improvement Act, 1885, provides that "In cases where two or more houses are connected with a single private drain, which conveys their drainage into a public sewer, the corporation shall have all the powers conferred by section 41 of the Public Health Act, 1875 (38 & 39 Vict. c. 55)." That section provides that "on the written application of any person to a local authority stating that any drain . . . is a nuisance or injurious to health, . . . the local authority may, by writing, empower their surveyor or inspector of nuisances . . . to enter such premises . . . and cause the ground to be opened and examine such drain . . . If the drain . . . on examination appears to be in bad condition, or to require alteration or amendment, the local authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him . . . to do the necessary works. . . ." Section 19 (i) of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), provides that "where two or more houses belonging to different owners are connected with a public sewer by a single private drain, an application may be made under section 41 of the Public Health Act, 1875," and sub-section 3 says that "for the purposes of this section the expression 'drain' includes a drain used for the drainage of more than one building." In shewing cause against the rule it was contended that *Hill* v. *Hare* (43 W. R. 651; 1895, 1 Q. B. 96) and *Self* v. *Hove Commissioners* (43 W. R. 300; 1895, 1 Q. B. 685) were contradictory. *Bradford* v. *Mayor, &c., of Eastbourne* (1896, 2 Q. B. 205) disapproved *Hill* v. *Hare* and followed *Self* v. *Hove Commissioners*.

THE COURT (GRANTHAM and WRIGHT, JJ.) were of opinion that a *mandamus* must go.

GRANTHAM, J.—The cases cited did not apply to this case. Section 41 was not intended to apply to a case like this. The corporation could not refuse to do what was necessary to be done to the sewer.

WRIGHT, J.—The corporation were bound under a general liability to repair sewers by section 15 of the Public Health Act of 1875. That liability was not altered by the Act of 1890; section 19 of that Act only made the provisions as to drains in section 41 of the older Act applicable to such sewers as existed in this case, so that on a nuisance being complained of, the authorities might enter upon the premises and remedy anything that was wrong, and charge the owner with the expenses. The *Bradford case* did not mean to say that these sections take away any of the general liability of the local authority. The *mandamus* would go, but he thought the proper remedy was to apply to the Local Government Board under section 15 of the Public Health Act of 1875 in a case where a corporation neglected their duty. Rule absolute.—COUNSEL, *Bosanquet*, Q.C., and *Bozall*; *Macmorran*, Q.C. and *S. G. Lushington*. SOLICITORS, *Lydall & Sons*, for *B. Meadows*, Town Clerk, Hastings; *C. H. W. Osborn*, for *Young, Son, & Coles*, Hastings.

[Reported by E. G. STILLWELL, Barrister-at-Law.]

Bankruptcy Cases.

Re **BETTS**, *Ex parte* **BETTS**. C. A. No 1. 6th Nov.

BANKRUPTCY—RECEIVING ORDER—NO ASSETS—DEBTOR AN UNDISCHARGED BANKRUPT—BANKRUPTCY ACT, 1883 (46 & 47 VICT. c. 52), s. 5; s. 7, SUB-SECTION 3.

This was an appeal against a receiving order made by Mr. Registrar Giffard. A bankruptcy petition was presented against the debtor, the act of bankruptcy relied upon being non-compliance with a bankruptcy notice in respect of a judgment debt recovered in May, 1893. It appeared that by a deed of settlement in 1882 certain property was conveyed to trustees upon trust to pay the annual income thereof to the debtor for life, there being a proviso for forfeiture in the event of the debtor's bankruptcy with power to the trustees in such an event, in their discretion, to make him an allowance in respect thereof. In May, 1892, the debtor was adjudicated bankrupt, and had not obtained his discharge, and the present petitioning creditor had proved in that bankruptcy in respect of another debt. The debtor made an affidavit that he had no assets. Upon the appeal against the receiving order the following authorities were referred to: *Re Murrieta*, 3 Manson Bank. Rep. 35; *Re Leonard*, *Ex parte Leonard* (44 W. R. 438; 1896, 1 Q. B. 473); *Re Hecquard*, *Ex parte Hecquard* (38 W. R. 148, 24 Q. B. D. 71).

THE COURT (Lord ESHER, M.R., LOPES and RIGBY, L.JJ.) allowed the appeal.

Lord ESHER, M.R., said that the law upon the matter seemed to him to be clear. The debtor made an affidavit that it would be useless to make him bankrupt because he had no assets and no prospect of having any assets. His affidavit to that effect, if taken by itself, was not enough. If that were all, the court would not be in a position to accept the affidavit, because it might turn out to be incorrect, and the court would make a receiving order. But if the court, from all the circumstances of the case, was convinced that there were no assets and no reasonable probability of their being any assets, and if it were convinced that it would be a mere waste of costs to make a receiving order, the court would be justified, in the exercise of its discretion, in refusing to make one. Was the court justified in so acting in this case? Four years ago the debtor was adjudicated bankrupt. Certain income had, prior to that, been settled upon him on the terms that, if he became bankrupt, his right to that income would be lost. It was true that the trustees of the settlement might, in their discretion, make him an allowance. But that would not be an asset in the bankruptcy, as they might withdraw it at any moment. That bankruptcy was still standing. The present petitioning creditor was a creditor in that bankruptcy in respect of another debt. If the creditor thought there was any asset to be obtained, he would put the trustee in that bankruptcy in motion to get hold of that asset. He did not do that. Why did he propose to make the debtor a bankrupt now? It was made clear to his lordship's mind that the petitioning creditor knew that there were no assets and no probability of any assets. It was said that there was a possibility of assets. But there being no probability of any assets, the court would reject such a mere possibility. The court could not act upon such a possibility. There was no possibility in the business sense of any asset which would pay off the previous bankruptcy and be available in a second bankruptcy. To make a receiving order would be a mere waste of money, and in the exercise of their discretion they must decline to do so.

LOPES and RIGBY, L.JJ., concurred, adding that the present case depended upon its particular facts, and could not be a precedent in any other case except where the facts were similar.—COUNSEL, *S. G. Lushington*; *Muir Mackenzie*. SOLICITORS, *J. Laidman*; *Hicks, Arnold, & Mozley*.

[Reported by W. F. BARRY, Barrister-at-Law.]

Solicitors' Cases.

SOLICITORS ORDERED TO BE STRUCK OFF THE ROLLS.

11 Nov.—GERALD ELLISON COLLETTE.
11 Nov.—HERBERT EDWARD LOCKHART (Hitchin, Herts).

LAW SOCIETIES.

SOLICITORS' BENEVOLENT ASSOCIATION.

The usual monthly meeting of the board of directors was held at the Law Institution, Chancery-lane, London, on Wednesday, November 11th, Mr. Richard Pennington, J.P., in the chair; the other directors present being Messrs. W. Beriah Brook, H. Morten Cotton, Grantham R. Dodd, William Geare, Samuel Harris (Leicester), John H. Kays, R. W. Merriman (Marlborough), F. Rowley Parker, Henry Roscoe, Sidney Smith, Frank W. Stone (Tunbridge Wells), R. W. Tweedie, E. W. Williamson, Frederic T. Woolbert, and J. T. Scott (secretary). A sum of £580 was distributed in grants of relief, seventeen new members were admitted to the association, and other general business transacted.

UNITED LAW SOCIETY.

Monday, 9th November.—Mr. C. W. Williams in the chair. Messrs. H. G. Mead, W. V. Degazon, H. C. Hamilton, R. Noble, G. Hughes, and W. M. C. Burnett were elected members of the society. Dr. C. Herbert Smith opened a debate on the motion "That the policy of England should be directed towards inducing the Powers of Europe to depose the Sultan and become jointly responsible for the government of his Empire." Mr. A. H. Richardson opposed; and the debate was continued by Messrs S. E. Hubbard, P. H. Edwards, G. Hughes, R. C. Nesbitt, N. Tebbutt, and C. Kains-Jackson. The division which followed was indecisive, the votes on each side being equal.

LAW STUDENTS' JOURNAL.

INCORPORATED LAW SOCIETY.

PRELIMINARY EXAMINATION.

The following candidates (whose names are in alphabetical order) were successful at the Preliminary Examination held on the 14th and 15th October, 1896.

Adkins, Henry Francis	Baily, John Arthur Stephen
Bailey, Frederick William	Bartlett, Robert Hamilton

Beard, Mountjoy
Beardsley, Godfrey Leonard
Bentley, Walter Smith
Bird, Henry Soden
Bishop, John Walton
Bishop, William Herbert
Bois, Charles Gordon
Bond, Frederick Morten
Breach, Robert
Burmester, Hubert Laurence
Cardew, Cornelius Seton
Cave, Stephen Aylwin
Clarkson, Charles
Coleman, Edward James
Collard, Douglas Argles
Coombs, William Mainwaring
Crafter, Herbert George Edward
Darlington, Henry Clayton
Davies, Origen
Dawes, Bertram Jerman
Dewynter, Louis John
Dowse, Kenrick Alexander
Easterbrook, Samuel Herbert
Edge, Frank Travers
Eustace, Frederick
Evans, Roger
Fisher, Edward Lindesay
Fisher, Frank Holcroft
Gaskell, Frank Hill
Gilchrist, Alexander Fitzmaurice
Gjemre, William Ingram Spearman
Goddard, John Theodore
Goody, Herbert Cady
Gotelee, Harry Scotchmer
Gravely, Charles Ewart
Grover, Henry Montague Gwynne
Hatton, Frederick
Heddon, Christopher Henry
Hibbit, Arthur Wenham
Hicks, Charles Hubert
Hinman, George Ernest
Hollingworth, Dennis
Hope, Herbert Ashworth
Jackson, Lancelot Archer
James, James Rowland
Jessop, George
Kay, William
Kyle, Robert Wood
Lamb, Robert
Leigh, Henry Richmond
Lockey, Robert
MacLeod, Roderick
Maddison, William Granville
Marshall, Charles Bennett
O'Flynn, Patrick Horace George
Parker, Wilkinson
Partington, Adam
Pemberton, William Taylor
Pitt, William Alfred
Player, Harold Stanley
Power, Thomas Costello
Preston, George Matthias
Pullen, Alfred George
Quayle, Arthur
Ram, Ernest Arthur
Read, James Frederick
Rendell, Harry Symons
Robertson, Norman Cairns
Robinson, Frederick Saville
Robinson, Norman
Rogers, Clement
Rooney, Valentine Gabriel
Sanders, William Henry
Schofield, James
Scott, Frank
Steele, Hugh Rutherford Clunny Biden
Sturton, Thomas Walter
Taylor, Howard
Taylor, Sancroft Grimwood
Thompson, Edmund Cuthbert
Twist, George Herbert
Upton, Gerald
Wall, Walter
Warman, William Frederic Buckland
Warne, Frank George
Warton, Robert Innys Baker
Watson, George Herbert
Watts, William John Vicary
Weldon, Thomas William
Wolter, Percy Edwin
Woodgate, Albert Ernest
Wright, Geoffrey Herbert

COUNCIL OF LEGAL EDUCATION.

The awards upon the Pass Examination held at Gray's-inn on October 13, 14, and 15, are as follows:—

PASS CERTIFICATES.

LINCOLN'S-INN.—Arthur M. Champernowne, Raghoba Mahadewa Doye, Sampatrao Kashirao Gaikwad, John W. P. Gibson, Hardeoram Nanabhai Haridas, Champat Ran Jain, the Hon. Sidney C. Peel, Gobind Ram, Edgar H. Simpson, and George H. Stuart.

INNER TEMPLE.—Lucas D'Oyly Carte, Edward W. Cave, George Alfred M. Cheeke, William F. Cornewall, Jan H. H. de Waal, Montague R. Emanuel, Stafford B. Faulkner, Allan M. Galer, Charles E. Goetz, Harold E. Harrison, Robert S. V. O'Brien, John E. Otto, Charles M. Pitman, John P. Radcliffe, Haythorne Reed, Alexander A. Roche, Walter Rogers, Walter L. Seligman, and William O Travis.

MIDDLE TEMPLE.—William J. Abel, George A. Blair, Albert W. C. E. Ganz, Harry T. Gillies, Reginald H. Goodman, James P. Hughes, Azeezur Rahman Khan, George F. Langford, James D. Millar, Charles E. Odgers, Percy Raby, Dhirojlal Panachand Shroff, and Arthur Sims.

GRAY'S-INN.—John R. C. Hall, Charles W. Hayward, Frederick Hinde, John W. Jones, Robert W. Lee, James G. Leslie, Robert Swaby, and Montagu White.

The number examined was 108, and of these fifty passed. Of the candidates who failed, ten were postponed till the Easter Examination, 1897, and two until the Trinity Examination, 1897.

The following passed in Constitutional Law and Legal History only:—

LINCOLN'S-INN.—Syed Mohammad Amir, Adams R. W. Atkins, Arthur C. T. Beck, Alnod J. Boger, Diwan Murtha Das, Narayan Dass, William C. Dixon, Thomas M. French, Ernest Greenwood, Pandit Bishan lal Kaul, Beni Parshad Khosla, Alfred Loosemore, Alexander Manson, Dudley F. Nevill, Syed Mohamed Shere, William R. Southeard, Edward W. Sutton, and Thomas Williams.

INNER TEMPLE.—James Bradbury, Percy B. Brooks, Walter J. Burt, Charles E. A. Castellain, Charoon, Arthur J. Davis, Robert Ellis, Syed Hasan, Karl Wilhelm Thalman Biccord Juta, John Cecil Lancaster, Lascelles A. Lucas, George Morley, Frank H. Nownes, Thomas W. B. O'Neal, William B. Pike, Herbert I. Pilcher, Percy Shearman-Turner, Joseph L. S. Smith, George R. Toller, and Pelham F Warner.

MIDDLE TEMPLE.—Thomas R. Bethell, John S. Black, George F. W. L. Dillon, Francis Y. Eccles, Randolph A. Glen, John E. Hilditch, Arthur L. Ingpen, Samuel R. Nightingale, Harold S. Stowe, Alfred Taffs, and William Thompson.

GRAY'S-INN.—Thomas D. Maxwell.

Of 69 examined 50 passed. Of the candidates who failed two were postponed till the Easter Examination, 1897.

The following passed in Roman Law and Constitutional Law and Legal History:—

LINCOLN'S-INN.—Tribhovandas Manekchand Doshi, Abdul Karim Khan, Prem Lal Seth, and Theam Tew Wee.

INNER TEMPLE.—Horace A. Duncan, Arthur G. Fraser, Bertram Hopkinson, Owen Rhydderch Lewis, Wallingford Mendelson, Fred Riley, Owen Seaman, and Herbert M. Warne.

MIDDLE TEMPLE.—Thomas Holland and Arthur Houston.

Of 23 examined 14 passed.

The following passed in Roman Law:—

LINCOLN'S-INN.—Arthur P. Braybrooke, Tat Tee Chin, William T. G. Lewis, Behari Lal Merh, Ernest F. E. Olivier, Bhalabhai Bhaibabhai Patel, Jeshingbhi Bhaibabhi Patel, Richard C. Pearman, and Mohanlal Jivanlal Vakil.

INNER TEMPLE.—John H. Barrow, John R. Bryce, Halford G. Burdett, William E. Hirst, Arthur C. Hue, Harold J. H. Irish, Henry J. Jacobs, John H. Layton, Charles B. Martin, Robert P. B. Methven, Augustus F. Mochler-Ferryman, Wilfrid G. H. Price, and William T. H. Walsh.

MIDDLE TEMPLE.—Gerald A. Arbuthnot, Mirza Mohammed Zoolcadar Beg, Nai Theb Bhanuwongse, Campbell Burn, Alexander Cairns, Edward M. Coward, Thomas B. Curran, Henri O. Décugis, Carlton Hackney, William G. Hannah, Vincent D. Knowles, Samuel S. Mossop, Cecil R. Phillip, Philip N. Richardson, Baliol E. Scott, and Deep Narayan Singh.

GRAY'S-INN.—Edward J. S. Athawes, Alexander M. Cowan, Alfred J. Robertson, and Bachan Singh.

Of 47 examined 42 passed.

LAW STUDENTS' SOCIETIES.

LAW STUDENTS' DEBATING SOCIETY.—November 3.—Chairman, Mr. C. Herbert Smith. The subject for debate was, "That the case of *Patterson v. Gas Light and Coke Co.* (1896, 2 Ch. 476) was wrongly decided." Mr. J. S. Wilkinson opened in the affirmative, Mr. Mellish Smith seconded in the affirmative; Mr. Haseldine Jones opened in the negative, Mr. Cawley seconded in the negative. The following members also spoke: Messrs. Arthur E. Clarke, Horace Miller. Mr. Seager Berry replied. The motion was lost by nine votes.

November 10.—Chairman, Mr. Neville Tebbutt. The subject for debate was: "That women ought now to be admitted to equal political rights with men." Mr. E. A. Bell opened in the affirmative, and Mr. J. D. Crawford opened in the negative. The following members also spoke: Messrs. Seager Berry, Augustus Anderson, A. C. F. Boulton, Archibald Hair, R. H. Armstrong, O. J. S. Satchell, Arthur Smith, H. G. Miller, E. A. Alexander, and Arthur E. Clarke. The motion was lost by 4 votes.

LEEDS LAW STUDENTS' SOCIETY.—November 2.—Mr. J. A. Compston, barrister, in the chair.—The subject for debate was as follows: "Was the case of *South Staffordshire Waterworks Co. v. Sharman* rightly decided?" This was a case in which the defendant, a labourer employed to clean out a pool, the property of the plaintiffs, found in the mud two gold rings. An action being brought by the plaintiffs for delivery of the rings to them, The county court judge gave a verdict in favour of the defendant. The plaintiffs appealed, and the Divisional Court held that they (plaintiffs) were entitled. It was this decision which formed the subject for discussion. Mr. A. E. Masser led in the affirmative, and Mr. W. Bowling for the negative. After an animated discussion, in which all the members present took part, the chairman summed up, and a vote being taken there was a majority of two for the affirmative.

November 9.—Mr. A. E. Evans, solicitor, in the chair. Mr. S. Peckover, solicitor, delivered an interesting and instructive lecture on "The Law relating to Deeds of Arrangement," dealing very fully with the various phases of compositions between debtors and creditors, and comparing that method with the present bankruptcy practice. At the conclusion of the lecture Mr. Peckover was heartily thanked on the motion of Mr. Evans, seconded by Mr. Jackson.

BIRMINGHAM LAW STUDENTS' SOCIETY.—The annual mock trial of this society was held on the 30th ult. before a large audience. Mr. H. S. Pearson, barrister-at-law, officiated as judge, Mr. H Williams being his associate. The counsel for the plaintiff were Messrs. F. O. Hopson and A. F. Lovatt, instructed by Messrs. F. W. Green and H. S. Clapham and for the defendant, Messrs. E. L. Hirsch and H. H. d'Egville, instructed by Messrs. J. A. Lacy and H. F. Sharp. The action was brought by Miss Trilby Treddler (Mr. H. F. Winterbotham), a lady novelist of Punkture-on-the-Tire, in the county of Dunslop, to recover £5,000 damages caused by the negligent driving of Sir Horsless Tandem (Mr. E. Newey), baronet, of the same place. The facts were shortly, that whilst the plaintiff was riding a bicycle in a public highway called Wheeler's-lane, she was run into by the defendant, who was driving an auto-car, and seriously injured, in consequence of which the plaintiff alleged that she had incurred heavy expenses for medical attendance besides sustaining permanent injuries to the heart, and being incapacitated for some length of time from following her profession as a novelist. Much fun was caused by the examination of the witnesses, who were Messrs. S. S. Guest, M. C. Blewitt, C. B. Marston, S. Vernon, and H. Eaden, for the plaintiff; and and Messrs. W. Somers, C. H. Smith, F. Minton, and O. Bird, for the defendant. The judge having wittily summed up, the jury found a verdict for the plaintiff, damages £4,999 19s. 11¾d.

LEGAL NEWS.

OBITUARY.

Another of our old city solicitors has just passed away in the person of Mr. THOMAS YOUNG (senior partner in the firm of Young & Sons, of 29, Mark-lane, E.C.), in the eighty-second year of his age, and in the full possession of his intellectual faculties. At the time of his death he had nearly completed sixty years' active service in his profession. Mr. Young was articled to his father, Mr. Thomas Young, also of 29, Mark-lane, in the year 1829, and was admitted in Hilary Term, 1837. He joined his father in a partnership which lasted till the death of the latter in 1852. Fourteen years later, his eldest son, Mr. Thomas Pallister Young, LL.B., joined the firm, and subsequently his sons, Mr. Arthur Young, LL.D. (who died in 1872), Mr. Walter Young, LL.B., and Mr. Howard Young, LL.B., became partners, and quite recently his grandson, Mr. Arthur Tayler Young, LL.B., was admitted to the firm, thus continuing an unbroken chain in the firm for upwards of ninety years. The late Mr. Thomas Young was the first secretary of the Legal Education Society, which originally met in Lyons Inn, and from it sprang the still flourishing Law Students' Debating Society. Among other successful enterprizes, Mr. Thomas Young was largely instrumental in the founding and development of Clacton-on-Sea—a field in 1874, and now a flourishing seaside resort visited by tens of thousands. Five years ago Mr. Thomas Young celebrated his golden wedding with his honoured and much-loved wife—a daughter of Mr. Thomas Pallister, three times mayor of Gravesend. That lady survives him, together with one daughter (married to Mr. Percy Clarke, LL.B., of the firm of Ellis Munday & Clarke) and six sons and numerous grandchildren. All who knew Mr. Thomas Young unite in testifying to his large-heartedness, his capacity, integrity, and single-minded devotion to the interests of his clients and his family.

APPOINTMENTS.

Mr. A. V. W. LUCIE SMITH, president of the District Court of Nicosia, Cyprus, has been appointed to a Resident Magistracy in Jamaica.

Mr. JOSEPH WALTON, Q.C., has been elected a Bencher of the Honourable Society of Lincoln's-inn, in succession to the late Sir Robert Stuart, Q.C.

Mr. ALFRED HOPKINSON, Q.C., M.P., has been elected a Bencher of the Honourable Society of Lincoln's-inn, in succession to the late Mr. Bevir, Q.C.

Mr. H. DADE, solicitor, of the firm of H. Dade & Co., of 21, Copthall-avenue, London-wall, London, has been appointed a Commissioner for Oaths. Mr. Dade was admitted in April, 1890.

CHANGES IN PARTNERSHIPS.

DISSOLUTIONS.

JAMES OSWALD DAVIDSON and HENDEN BARKER, solicitors, South Shields, Jarrow-on-Tyne, Newcastle-upon-Tyne, and Hebburn-on-Tyne (Davidson & Barker.) Aug. 25. [*Gazette*, Nov. 6.

ROBERT SCALE and EDWARD THOMAS DAVID, solicitors, Bridgend and Maesteg (Scale & David). Oct. 31. The said Robert Scale and Edward Thomas David will in future carry on business separately. [*Gazette*, Nov. 10.

GENERAL.

The accounts of the progress of Lord Justice Kay, up to Wednesday, were favourable.

Mr. Darling, Q.C., M.P., has been appointed a Royal Commissioner of Assize, to go on the Oxford Circuit, in place of the Lord Chief Justice, who has returned to town to preside in Appeal Court No. II.

The Irish Solicitors' Apprentices Debating Society held a very successful inaugural meeting on the 3rd inst. in the Large Hall of the Solicitors' Buildings, Four Courts. There was a very large attendance, the audience including a considerable number of ladies. Mr. Wm. Fry, jun., J.P., president of the Irish Incorporated Law Society, presided.

The Judicial Committee of the Privy Council sat on Thursday for the first time since the Long Vacation. Their list of causes includes thirteen appeals for hearing—viz., from Canada two, Bengal four, the North-West Provinces of India three, and from the Straits Settlements, Ontario, Victoria, and the Gold Coast Colony one each. There are also five judgments to be delivered in cases heard before the Long Vacation.

There will shortly be an election by the Council of Legal Education of an assistant reader in Roman law and jurisprudence and international law, and also of a member of the General Board of Examiners. The council will be glad to receive, on or before Saturday, November 21, at the office of the council, Lincoln's-inn Hall, the names of any gentlemen who are desirous of being appointed, together with any testimonials they may wish to submit to the council.

"No more striking proof," says the *Westminster Gazette*, "of the decline of the mining industry in Cornwall is required than the approaching abolition of the Stannaries Court at Truro owing to the absence of cases to be tried. All future mining litigation will be dealt with in the local county court by Judge Granger. Owing to the continued depression there are a large number of miners in the county out of work."

In his speech at the Mansion House banquet, the Master of the Rolls assured the company that the Judges did not go there to hear brilliant speeches. They were in the habit of hearing brilliant speeches all day long from the Attorney-General, from the Solicitor-General, and from Sir Edward Clarke, and they were heartily tired of them all. Nothing pleased her Majesty's judges less than listening to speeches. They certainly did not go there to meet the County Council. There was one thing which always delighted her Majesty's judges, and that was the gallery exactly opposite containing embryo lady mayoresses. It sent a thrill through the hearts of young men like some of the judges he saw around him, and it made a slight flutter in the hearts of worn-out judges like Lord Justice Lopes and himself.

At the Taunton Assizes last week (says the *Times*), the grand jury, on being discharged, made a presentment to Mr. Justice Wills, stating that in view of the numerous charges of criminal assault on female children in the present calendar, they considered that the addition of whipping with the cat to the existing punishments, which had such a salutary effect in checking garotting, would probably tend to the diminution of such disgraceful crimes. His Lordship promised that the presentment should be forwarded to the Home Secretary, though he could not honestly say that he should endorse it. From his experience of trying these cases the difficulty in arriving at the truth was so great and the possibility of error so serious that he thought a punishment so irrevocable as flogging should not be added to the existing punishment. If a wrong conviction were to take place and the prisoner were flogged such a tempest of indignation would arise that it might possibly sweep away the law at present in force, and would tend to increase the difficulty of obtaining convictions in such cases.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Appeal Court No. 2.	Mr. Justice Chitty.	Mr. Justice North.
Monday, Nov.16	Mr. Farmer	Mr. Ward	Mr. Beal
Tuesday 17	Bolt	Pemberton	Pugh
Wednesday 18	Farmer	Ward	Beal
Thursday 19	Bolt	Pemberton	Pugh
Friday 20	Farmer	Ward	Beal
Saturday 21	Bolt	Pemberton	Pugh
	Mr. Justice Stirling.	Mr. Justice Kekewich.	Mr. Justice Romer.
Monday, Nov.16	Mr. Leach	Mr. Jackson	Mr. Carrington
Tuesday 17	Godfrey	Clowes	Lavie
Wednesday 18	Leach	Jackson	Carrington
Thursday 19	Godfrey	Clowes	Lavie
Friday 20	Leach	Jackson	Carrington
Saturday 21	Godfrey	Clowes	Lavie

HIGH COURT OF JUSTICE.

QUEEN'S BENCH DIVISION.

MICHAELMAS SITTINGS, 1896.

CROWN PAPER.

For Argument.

(*Continued from page* 17.)

London Melzer v Weyers & ors county court pltf's app
Evesham Cope v Landels magistrate's case
Southampton Franklin v Jones county court deft's app
Lancashire Slater v Guardians, &c, of Blackburn Union magistrate's case
Derbyshire Roberts v Overseers of Parish of Clowne quarter sessions special case appellant's appeal (rating)
Yorkshire, W. R. The Queen v Faraley Urban District Council (expte Busfield) nisi for mandamus to approve plans
Hampshire, Southampton Ashmall v Beaton County Court applicant's appeal
Hampshire, Ringwood Etherington v Lister-Kay and ors county court plaintiff's appeal
Middlesex, Clerkenwell Young v Vestry of St. Mary, Islington county court plaintiff's appeal
Sussex, Brighton Nutley & anr (suing &c.) v Wells & Co & anr county court defendant J. C Wells' appeal
Staffordshire, Tunstall Cowen v Downes (Hayes clmt) county court claimant's appeal
Cheshire, Chester Yearsley v Wood & Son county court plaintiff's appeal
Middlesex, Bow Middleton v Wright & Sons county court defendant's appeal
Same Durtnall v Same county court defendant's appeal
Middlesex, Shoreditch Bayliss v Brett county court defendant's appeal
Ipswich Robinson v Lowe magistrate's case
Met. Pol. Dist. Vestry of St. Mary, Battersea v Simpson & ors magistrate's case
Same Same v Metchin magistrate's case
Surrey, Croydon Dye v Martin county court plaintiff's appeal
Middlesex, Bloomsbury Ganthron v Richter & anr (Met. Credit Co. clmts) county court claimant's appeal
Liverpool Ellis v Bower magistrate's case
Middlesex, Clerkenwell Jay & anr v Jahncke county court deft's app
Surrey, Wandsworth Jordan v Turner county court deft's app
London The Queen v Kay (expte Lee) nisi for mandamus to tax costs of arbitration
Cent Crim Court The Queen v Hess nisi for certiorari for indictment at instance of deft
Surrey The Queen v Overseers of Parish of Barnes (expte Ratcliff) nisi for mandamus to pay money to Conservators of Barnes Common

Kent The Queen v Spicer & ors Nisi for certiorari for indictment at instance of defts
Middlesex, Marylebone Bright v Tickner & anr county court defts' app
Glamorganshire Hill v Jones quarter sessions special case appellant's app
Gloucestershire, Bristol Dowse v James county court plt's app
Sussex The Queen v Mayor, &c, of Hastings (expte Young) nisi for mandamus to maintain sewer
Cent Crim Court The Queen v Evershed & anr nisi for certiorari for indictment at instance of deft Evershed
Lancashire, Burnley National Telephone Co v Winter county court plts' app
Middlesex, Clerkenwell Driscoll v Joseph county court plts app
Surrey The Queen v Tredcroft & anr, Jj, &c, and Woking District Council (ex pte London Necropolis Co) Nisi to Jj to certify roads
Essex London & North Western Ry Co v Commrs of Sewers of the Fobbing Levels quarter sessions 12 & 13 Vict c 45, s 11
London The Queen v Rev J S Sinclair & anr, Jj, &c, and Gigantic Wheel &c, Co (ex pte Overseers of Fulham) nisi for distress warrant
Wiltshire, Marlborough Willes & ors v Rushen & anr county court deft's app
Surrey, Guildford & Godalming Cobbett & ors v Smith county court deft's app
Devonshire, Tiverton Austin v Bowerman county court deft's app
Derbyshire, Derby Kay v Cordin & anr county court plt's app
Essex, Southend Southwell v Larchin county court plt's app
Middlesex, Whitechapel Debout v General Steam Navigation Co county court deft's app
Gateshead Hepple v Brumby magistrate's case
Surrey, Southwark Foster v Adams county court deft's app
Hampshire, Portsmouth Brown & anr v King county court plt's app
Berkshire, Windsor Parsons v Gold county court deft's app
Glamorganshire, Swansea Thomas v. Hodgens county court dfts app
Suffolk, Beccles & Bungay Rose v. Thackeray & ors county court plts app
London Joseph v. Bell & anr county court plts app
Blackburn Hindle & anr v. Birtwistle quarter sessions special case respondent's app (Conviction—Factory Acts)
Shropshire, Whitchurch Dodd v. Churton county court dfts app
Middlesex, Edmonton Peel & Son v. Twitchin county court dfts app
Sheffield Thorpe v. Anthony & anr magistrate's case
Same Fuller v. Jackson magistrate's case
Lancashire, Blackburn Downing v. Appleby & Sons county court dfts app
Lancashire, Burnley Edmondson v. Harrison county court plts app
Glamorganshire, Swansea Vivian v. Dalton county court dfts app
Oxfordshire, Chipping Norton Batt v. Cowan county court plts app
Same Cowan v. Habgood & anr county court dfts app
Middlesex, Bow Pigneau & Son v. Clarke (Bone & anr, clmts) county court plts app
Somersetshire, Wellington Dimond v Davey county court plt's app
Lancashire Thomson v Burns magistrate's case
Same Same v Hartley magistrate's case
Cardiganshire, Lampeter Hughes v Lewis & anr county court defts' app
Kent, Ramsgate Hood v Woodhall county court deft's app
Met Pol Dist Umfreville v London County Council magistrate's case
Glamorganshire Jones v Thomas magistrate's case
Lancashire Mayor, &c, of Southport v Birkdale Urban District Council magistrate's case
London The Queen v Vestry of Bromley, St Leonard (expte Sheffield) nisi for mandamus to pay pension
Same Dennis (admx, &c) v Forbes & ors county court plt's app
Same Hamlyn & Co v Steele county court plts' app
London Conservators of River Thames v City of London Union & anr quarter sessions special case 12 & 13 Vic, c 45
Lancashire Osborn v Wood Bros magistrate's case
Gloucestershire, Cheltenham Goodlock v Cousins county court deft's app

REVENUE PAPER.

For Hearing.

Causes by English Information.

Attorney-Gen v The Verderers of the New Forest and ors part heard
Attorney-Gen v Newcomen (since dec) and ors part heard
Attorney-Gen v Earl of Carlisle & ors

Special Case.

Re The Mayor, &c, of Borough of Nottingham
Case stated as to Stamp Duty.

Mersey Docks & Harbour Board (applts), and the Commrs of Inland Revenue, respts
Motions for Attachment, 10

THE PROPERTY MART.

SALES OF ENSUING WEEK.

Nov. 16.—Messrs. MONTAGU, ROBINSON, & WATSON, at the Mart, at 2 p.m., Freehold Ground-rents of the value of over £400 per annum, secured upon London Properties. Solicitors, Herbert W. Reeves & Son, London. (See advertisement, this week, p 3).

Nov. 17.—Messrs. BEAN, BURNETT, & ELDRIDGE, at the Mart, at 2 p.m., Freehold Ground-rents, amounting to £4,467 10s., secured upon the Manchester Hotel, Aldersgate-street. Solicitors, Leonard Tubbs and N. Herbert Smith, both of London. (See advertisement, Oct. 31, p. 22.)

Nov. 17.—Messrs. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER, at the Mart, at 2 p.m., Freehold Riverside Premises. Solicitors, Janson, Cobb, Pearson, & Co., London. (See advertisement, Oct. 31, p. 23.)

Nov. 18.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2 p.m., Freehold Premises in Cowcross-street; also Freehold Dwelling-house in Clerkenwell. Solicitors, Robinson, May, & Elliot, London.

REVERSIONS:

To one-eighth Share of a Trust Fund of £47,197 Midland Railway Three per Cent. Stock. Solicitors, Smith, Paul, & Archer, Truro; J. T. Rossiter, London.

To one-fifth of Trust Fund in Colonial Government Stocks and Railway Debentures, value £5,300, on death of lady 53. Solicitor, H. Stanley-Jones, London.

To one Moiety of £4,242 16s. 6d. Consols; lady aged 63 Solicitor, J Turner, London.

To Trust Fund, value £800, in Jersey State Bonds; lady aged 71. Solicitor, David Davis, London.

To one-eighth of £8,000 Consols; gentleman aged 54, provided reversioner, aged 24, survives him. Solicitors, Gonin & Hayllar, Brighton.

To one-fifteenth of Estate producing £380 per annum; lady aged 62. Solicitors, Holdsworth & Payne, London.

LIFE POLICIES:

In various leading Insurance Companies for £6,000, £1,500, £1,000, £1,000, £1,000, £1,000, £500. Solicitors, Mear & Fowler, London.

SHARES:

In various Companies. Solicitor, Frank Taylor, London. (See advertisements, this week, back page.)

Nov. 19.—Messrs. FAREBROTHER, ELLIS, CLARK, & Co, at the Mart, at 2 p.m., Freehold Oil Mills and Estate at Limehouse. Solicitors, Messrs. Hollams, Sons, Coward, & Hawkesley, London. The Freehold fully-licensed Public-house, known as "Man of Kent," Gravesend. Solicitors, Routh, Stacey, & Castle, London. Also Freehold Ground-rent of £450 per annum, secured upon Read's Restaurant in Cheapside. Solicitors, Lanfear, Tanner, & Lanfear, London. (See advertisements, Oct. 31, p. 22.)

WINDING UP NOTICES.

London Gazette.—FRIDAY, Nov. 6.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CAPULET STEAMSHIP CO, LIMITED—Creditors are required, on or before Dec 15, to send their names and addresses, and the particulars of their debts or claims, to William Benjamin Bowring, 18, Water st, Liverpool. Alsop & Co, Liverpool, solors to liquidator

FISHER & RANDALL, LIMITED—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Mr Stanley Pearson, 13, Spring gdns, Manchester. Cooper & Sons, Manchester, solors to liquidator

GLASS TRUST, LIMITED—Creditors are required, on or before Dec 14, to send their names and addresses, and the particulars of their debts or claims, to Herbert Brooks Sutcliffe, 13, Trafalgar sq, Ashton under Lyne. Darnton & Bottomley, Ashton under Lyne, solors to the liquidator

HERBERT HANDY, LIMITED—Creditors are required, on or before Dec 17, to send their names and addresses, and the particulars of their debts or claims, to Charles Lewis Barfoot, Carlton chbrs, Newport, Mon. Llewellyn & Moore, Newport

PENDLEBURY INSTITUTE, LIMITED (IN LIQUIDATION)—Creditors are required, on or before Dec 18, to send their names and addresses, and the particulars of their debts or claims, to Thomas Walton, Littlewood, Worsley, Lancaster. Bowden & Widdowson, Manchester, solors for liquidator

PHŒNIX HALL CO, LIMITED—Creditors are required, on or before Dec 7, to send their names and addresses, and the particulars of their demands, to Carl Wilhelm Groos, 106, Fenchurch st. Stanley & Co, Ludgate hill, solors to liquidator

WEST RAND ESTATES AND LAND CO, LIMITED—Creditors are required, on or before Dec 15, to send their names and addresses, and the particulars of their debts or claims, to Walter Ford Andrewes, 8, Old Jewry. Julius & Thomas, Finsbury circus, solors to liquidator

FRIENDLY SOCIETIES DISSOLVED.

PERPETUAL JUVENILE FRIENDLY SOCIETY, 11, Clesthorpes rd, Grimsby, Lincs. Oct 21

PERPETUAL SICK BENEFIT, LEVY, MEDICAL AID, AND DIVIDEND SOCIETY, 11, Clesthorpes rd, Grimsby, Lincs. Oct 21

RIGHTEOUS PATH FRIENDLY SOCIETY, 58, Artillery st, Spitalfields, E. Oct 21

London Gazette.—TUESDAY, Nov. 10.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BALKIS ERSTELING, LIMITED—Creditors residing in the United Kingdom are required, on or before Jan 1, 1897, and those residing out of the United Kingdom on March 1, 1897, to send their names and addresses, and particulars of their debts and claims, to Mr. John Haldane Brown, 85, Gracechurch st. Dale & Co, 75 and 76, Cornhill, solors for liquidator

BRISTOL SUBLIMED LEAD CO, LIMITED—Creditors are required, on or before Dec 22, to send their names and addresses, and particulars of their debts or claims, to Henry Hobbs Ham, Albion chbrs, Bristol

GOODHAW & SON, LIMITED—Creditors are required on or before Dec 8, to send their names and addresses, and the particulars of their debts or claims, to Irvine & Barrowman, St. Olave's, Rectory, 8, Hart st, Mark ln, solors for liquidator

LISCARD BOWLING GREEN CLUB CO, LIMITED (IN LIQUIDATION)—Creditors are required, on or before Dec 10, to send their names and addresses, and the particulars of their debts or claims, to John Bewly, jun, Central bldgs, North John st, Liverpool

STANDARD TYRE CO, LIMITED—Creditors are required on or before Jan 10, to send their names and addresses, and the particulars of their debts or claims to John Baker, Chiswell House, Finsbury pvmt. Harman & Co, King st, Cheapside, solors for liquidator

WHITBY JET ASSOCIATION, LIMITED—Creditors are required, on or before Wednesday, Dec 23, to send their names and addresses, and the particulars of their debts or claims, to Benjamin Thomas Norton, 9, Old Jewry chmbrs. Montagu & Co, Bucklersbury, solors for liquidator

FRIENDLY SOCIETIES DISSOLVED.

NORTH OF ENGLAND CO-OPERATIVE TAILORING SOCIETY, LIMITED, Westgate chmbrs, Cross st, Newcastle on Tyne. Nov 4

RATIONAL SICK AND BURIAL ASSOCIATION, Lamb Inn, The Walk, Haymarket, Norwich. Nov 4

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Nov. 6.

RECEIVING ORDERS.

BANNISTER, GEORGE, Luton, Beds, Corn Merchant Luton Pet Nov 3 Ord Nov 3

BATES, CHARLES, Hankney, Farmer High Court Pet Oct 2 Ord Nov 3

BLACK, LANCELOT, Scarborough, Grocer Scarborough Pet Nov 2 Ord Nov 2

BRADLEY, GEORGE, Castleford, York, Solicitor High Court Pet July 2 Ord Aug 4

BROWN, SAMUEL PETER, Gracechurch st, Merchant High Court Pet July 10 Ord Aug 11

COBB, GEORGE, Stillington, York York Pet Nov 3 Ord Nov 3

DEIGHTON, ISAAC, Kingston upon Hull, Draper Kingston upon Hull Pet Oct 14 Ord Nov 2

EVANS, WILLIAM, Llanor, Carnarvon, Farmer Portmadoc Pet Nov 3 Ord Nov 3

HEWETT, SAMUEL, Pontypool, Mon Newport, Mon Pet Nov 4 Ord Nov 4

HODGES, E GEORGE B, Haymarket High Court Pet July Ord Aug 28

HOLLAND, MARY, Birstal, Yorks, Milliner Bradford Pet Nov 2 Ord Nov 2

HUMPHREY, JOHN PRICE, Harlesden, Builder High Court Pet Nov 2 Ord Nov 2

JONES, THOMAS, jun, Cornelly, nr Pyle, Glam, Licensed Victualler Cardiff Pet Nov 2 Ord Nov 2

KEIGHT, J B, Conduit st High Court Pet Oct 1 Ord Nov 4

LAWRENCE, CHARLES LENDON, Hereford, Commercial Traveller Hereford Pet Nov 3 Ord Nov 3

LOMAS, THOMAS HENRY, Burnley, Confectioner Burnley Pet Oct 21 Ord Nov 2

LOXTON, CHARLES, Swansea, Boot Dealer Swansea Pet Nov 3 Ord Nov 3
MILLER, ARTHUR, Keighley, York, Greengrocer Bradford Pet Nov 3 Ord Nov 3
MITCHELL, WILLIAM ARTHUR, Barry, Glam Cardiff Pet Nov 2 Ord Nov 2
PHILLIPS, WILLIAM, Garnant, Carmarthens, Timber Merchant Carmarthen Pet Nov 4 Ord Nov 4
QUINTON, EDWARD, Chichester, Baker Portsmouth Pet Nov 4 Ord Nov 4
REDMILL, JOHN, Worksop Sheffield Pet Nov 4 Ord Nov 4
REEVE, HASTINGS JOHN, Wormwood Scrubbs, Victualler High Court Pet Sept 11 Ord Oct 30
ROWLANDS, JOHN HENRY DAVIS, Swansea, Architect Swansea Pet Nov 4 Ord Nov 4
SHAW, GEORGE HENRY, Fenton, Staffs, Plumber Stoke upon Trent Pet Nov 4 Ord Nov 4
SEDDON, JOSEPH ALFRED, Bute Docks, Cardiff, Marine Surveyor Cardiff Pet Oct 31 Ord Oct 31
SHEARD, DAVID, Luddenden, nr Halifax, Woollen Weaver Halifax Pet Nov 2 Ord Nov 2
SHEPHERDSON, JOHN, and HARRY HORSFALL, Oldham, Ironmongers Oldham Pet Nov 4 Ord Nov 4
STUART, HAROLD C, Liverpool Liverpool Pet Oct 16 Ord Nov 2
TEASDALE, ROBERT, Willington, Durham, Painter Durham Pet Nov 2 Ord Nov 2
VANSTONE, JOHN EALES, St Mary Church, Devons, Gardener Exeter Pet Nov 3 Ord Nov 3
WATTS, JOHN HENRY, Shepton Mallet, Fishmonger Wells Pet Nov 3 Ord Nov 3
WELLS, CHARLES, Hornsea, Yorks, Coal Merchant Kingston upon Hull Pet Oct 31 Ord Nov 2
WILLIAMS, WILLIAM, Chepstow, Mon, Grocer Newport, Mon Pet Nov 3 Ord Nov 3

FIRST MEETINGS.

ADAMES, HENRY CORNELIUS, Cardiff, Grocer Nov 17 at 11 29 Queen-st, Cardiff
ARMSTRONG, JOHN, Kirkby Stephen, Westmoreland Nov 14 at 11.30 Grosvenor Hotel, Stramongate, Kendal
BAXTER, GEORGE, Kettering, China Merchant Nov 14 at 1 County Court Buildings, Northampton
BLACK, LANCELOT, Scarborough, Grocer Nov 13 at 11 Off Rec, 74, Newborough st, Scarborough
BRAY, ARTHUR, Richmond, Surrey Nov 17 at 11.30 24, Railway app, London Bridge
CHAMBERLAIN, CHARLES, West Bromwich, Baker Nov 13 at 2 County Court, West Bromwich
CLEAVER, EDWARD, New Malden, Surrey Nov 13 at 11.30 24, Railway app, London Bridge
COBB, GEORGE, Crayke, Yorks Nov 19 at 12.30 Off Rec, 28, Stonegate, York
COWHERD, THOMAS HAYTON, East Bank, Kendal, Corn Dealer Nov 14 at 11 Grosvenor Hotel, Stramongate, Kendal
DOBBS, FREDERICK, Mattishall, Norfolk, Wheelwright Nov 14 at 1 Off Rec, 8, King st, Norwich
DURRDEN, JOHN, Burnley, Book-keeper Dec 3 at 1.30 Exchange Hotel, Nicholas st, Burnley
FIRKINS, WALTER WILLIAM, Bishops Froome, Herefords, Labourer Nov 14 at 11.30 Off Rec, 45, Copenhagen st, Worcester
FRAMPTON, ROBERT, Newport, I of W, Poulterer Nov 14 at 3 Off Rec, Newport, I of W
HARRISON, SARAH BUCHANAN, Fallowfield Nov 13 at 3 Ogden's chmbrs, Bridge st, Manchester
HASELWOOD, DANIEL, Weedon Beck, Northamptons, Farmer Nov 14 at 11.30 County Court bldgs, Northampton
HODGES, E GEORGE B, Haymarket Nov 13 at 2.30 Bankruptcy bldgs, Carey st
HUMPHRY, ALBERT ALFRED, Chichester, Saddler Nov 16 at 3.30 Dolphin Hotel, Chichester
LEWIS, JAMES, Denton, Lancs, Furniture Dealer Nov 13 at 2.30 Ogden's chmbrs, Bridge st, Manchester
PIRRIE, ROBERT REID, Blaydon on Tyne, Shipbroker Nov 18 at 11 Off Rec, 30, Mosley st, Newcastle on Tyne
RAMSBOTTOM, JOHN, Prestwich, Commercial Traveller Nov 13 at 3.30 Ogden's chmbrs, Bridge st, Manchester
REA, JAMES, Newcastle on Tyne, Confectioner Nov 18 at 12 Off Rec, 30 Mosley st, Newcastle on Tyne
ROSSER, DAVID, jun, Tonna, nr Neath Nov 14 at 11.30 Off Rec, 31, Alexandra-rd, Swansea
ROTTER, DAVID, Hafod, Swansea, Hawker Nov 13 at 12 Off Rec, 31, Alexandra rd, Swansea
SHEARD, DAVID, Luddenden, nr Halifax, Woollen Weaver Nov 14 at 11 Townhall chmbrs, Halifax
STANNERS, JOSEPH, Hunslet, Boot Manufacturer Nov 6 at 11 Off Rec, 22, Park row, Leeds
STEPHENSON, JAMES, Burnley, Grocer Dec 3 at 1 Exchange Hotel, Nicholas st, Burnley
SMITH TOM THORP, Gt Grimsby, Labourer Nov 14 at 11 Off Rec, 15, Osborne st, Gt Grimsby
ST JOHN, HARRY, Gray's inn pcpgs, Holborn, Carpenter Bankruptcy bldgs, Carey st
TUBBOS, DAVID, Scarborough Nov 13 at 12 Off Rec, 74, Scarborough st, Scarborough
VANSTONE, JOHN EALES, St Mary Church, Devon, Gardener Nov 26 at 11 Off Rec, 13, Bedford circus, Exeter
WOOD, JAMES HENRY, and WILLIAM COMPTON, Rushden, Shoe Manufacturers Nov 14 at 12.15 County Court bldgs, Northampton

Amended notice substituted for that published in the London Gazette of Oct. 23:

HILL, JAMES, Southampton

ADJUDICATIONS.

BANKS, JOHN, Strood, Kent, Licensed Victualler Rochester Pet Oct 5 Ord Oct 31
BANNISTER, GEORGE, Luton, Beds, Corn Merchant Luton Pet Nov 2 Ord Nov 4
BLACK, LANCELOT, Scarborough, Grocer Scarborough Pet Nov 2 Ord Nov 2
BRAY, ARTHUR, Richmond, Surrey Wandsworth Pet Oct 28 Ord Nov 3
COBB, GEORGE, Crayke, Yorks York Pet Nov 3 Ord Nov 3
COLES, JAMES WILLIAM, Chepstow Newport, Mon Pet Oct 31 Ord Nov 4
EVANS, WILLIAM, Llannor, Carnarvon, Farmer Portmadoc Pet Nov 3 Ord Nov 3
FITTER, MATTHEW ALEXANDER, Sutton Coldfield, Solicitor Birmingham Pet Oct 9 Ord Nov 3
GOODCHILD, PHILIP PETER PERRING, Bonchurch, I of W Newport Pet Sept 5 Ord Oct 31
HATCHWELL, ALICE, Oxford st High Court Pet Oct 2 Ord Nov 3
HEWETT, SAMUEL, Pontypool, Mon Newport, Mon Pet Nov 4 Ord Nov 4
HOLDING, RICHARD HENRY, Carmarthen, Wine Merchant Carmarthen Pet Oct 10 Ord Oct 31
HOLLAND, MARY, Birstal, Yorks, Milliner Bradford Pet Oct 31 Ord Nov 4
IRVING, WESTON BROWN, Hanley, Staffs, Tailor Hanley Pet Oct 5 Ord Nov 3
JONES, THOMAS, jun, South Cornelly, Glam, Licensed Victualler Cardiff Pet Nov 2 Ord Nov 2
KETTERINGHAM, JOHN HAZELWOOD, Battersea, Surrey, Draper Wandsworth Pet Oct 21 Ord Nov 3
LAWRENCE, CHARLES LENDON, Hereford, Commercial Traveller Hereford Pet Nov 3 Ord Nov 3
LOXTON, CHARLES, Swansea, Boot Dealer Swansea Pet Nov 3 Ord Nov 3
MILLER, ARTHUR, Keighley, Yorks Bradford Pet Nov 3 Ord Nov 3
PHILLIPS WILLIAM, Garnant, Carmarthen, Timber merchant Carmarthen Pet Nov 4 Ord Nov 4
QUINTON, EDWARD, Chichester, Baker Portsmouth Pet Nov 4 Ord Nov 4
REDMILL, JOHN, Worksop, Confectioner's Manager Sheffield Pet Nov 4 Ord Nov 4
RITSON, CHARLES, Hastings, Bootmaker Hastings Pet Oct 30 Ord Nov 4
SEDDON, JOSEPH ALFRED, Bute Docks, Cardiff, Marine Surveyor Cardiff Pet Oct 31 Ord Oct 31
SHEARD, DAVID, Luddenden, nr Halifax, Woollen Weaver Halifax Pet Nov 2 Ord Nov 2
TEASDALE, ROBERT, Willington, Durham, Painter Durham Pet Nov 2 Ord Nov 2
VANSTONE, JOHN EALES, St Mary Church, Devon, Gardener Exeter Pet Nov 3 Ord Nov 3
WATTS, JOHN HENRY, Shepton Mallet, Fishmonger Wells Pet Nov 3 Ord Nov 3
WELLS, CHARLES, Hornsea, Yorks, Coal Merchant Kingston upon Hull Pet Oct 29 Ord Nov 2
WILLIAMS, WILLIAM, Chepstow, Mon, Grocer Newport, Mon Pet Nov 3 Ord Nov 4

London Gazette.—TUESDAY, Nov. 10.

RECEIVING ORDERS.

ALLEN, JAMES WALKDEN, Wigan, Licensed Victualler Wigan Pet Nov 5 Ord Nov 5
ASHBY, ELIZABETH, Newport, I of W Newport Pet Nov 6 Ord Nov 6
BAKER, THOMAS, Dudley, China Dealer Dudley Pet Nov 6 Ord Nov 6
BANNER, HARRY TIMOTHY, Gt Malvern Worcester Pet Pet Nov 5 Ord Nov 5
BROAD, FRANK, Hoo, nr Rochester, Dairyman Rochester Pet Nov 6 Ord Nov 6
BROWN, THOMAS, Handsworth, Dairyman Birmingham Pet Nov 6 Ord Nov 6
BUTLER, W C, Newcastle on Tyne, Restaurant Proprietor Newcastle on Tyne Pet Oct 27 Ord Nov 6
CHADWICK, DAVID, Bolton, Furniture Broker Bolton Pet Nov 6 Ord Nov 6
CHRISTEN, A, Gt Russell st, Advertising Contractor High Court Pet Aug 27 Ord Nov 4
CLARKE, JAMES PAYNE, Beeralston, Devons, Baker Plymouth Pet Nov 6 Ord Nov 6
COOPER, GEORGE, Rickmansworth, Herts, Beerhouse Keeper St Albans Pet Nov 5 Ord Nov 5
DAGNALL, JESSIE, Crawley, Sussex Brighton Pet April 10 Ord Nov 5
DEXTER, MARY ELLEN, and MARY ELIZABETH GELSTHORPE, Shepshed, Leics, Boot Manufacturers Leicester Pet Nov 6 Ord Nov 6
FALCONER, ARTHUR SIDSON, Laurel Villa, Hampton Hill Kingston, Surrey Pet Oct 23 Ord Nov 7
GILL, WALTER JAMES, Goole, Yorks, Commission Agent Wakefield Pet Nov 6 Ord Nov 6
HANNAH, DAVID A, Cardiff, Draper Cardiff Pet Sept 23 Ord Nov 4
HEALEY, BRIERLEY DENHAM, Queen Victoria st, Civil Engineer High Court Pet Oct 14 Ord Nov 6
JELLEY, HUGH, Leicester, Boot Manufacturer Leicester Pet Nov 6 Ord Nov 6
JOHNSON, SAMUEL, Pemberton, Lancs, Grocer Wigan Pet Nov 5 Ord Nov 5
KELLY, RICHARD HENRY, Holborn viaduct, Diamond Merchant High Court Pet Nov 5 Ord Nov 5
LANCE, JAMES WILLIAM, Montagu pl, Russell sq, Commission Agent High Court Pet Nov 5 Ord Nov 6
LEWIS, HENRY, Walsall, Baker Walsall Pet Nov 3 Ord Nov 2
LIVINGSTONE, JOHN, Leeds, Coal Agent Leeds Pet Nov 6 Ord Nov 6
LUSCOMBE, ALEXANDER PETER, Lodtiswell, Devon, Farmer Plymouth Pet Nov 6 Ord Nov 6
MATHIAS, ANTHONY, Tenby, Bootmaker Pembroke Dock Pet Nov 5 Ord Nov 5
MUCKLOW, JOHN ARTHUR, Dudley, Grocer Dudley Pet Nov 6 Ord Nov 6
MUTTON, JOHN, St Stephens, Cornwall, Mason Plymouth Pet Nov 6 Ord Nov 6
NEWSOME, HERBERT, Leeds, Joiner Leeds Pet Nov 6 Ord Nov 6
NEWTON, ROBERT, Simmondley, Glossop, Slater Ashton under Lyne Pet Nov 6 Ord Nov 6
NICHOLSSON, EDWARD, Scarborough Scarborough Pet Oct 20 Ord Nov 5
PEARMAIN, WILLIAM, Walsoken, Norfolk, Builder King's Lynn Pet Nov 6 Ord Nov 6
PEARSON, JOHN, Forest Hill, Kent, Commission Agent High Court Pet Nov 7 Ord Nov 7
RENNIE, GEORGE STEPHENSON, Brighton, Draper Brighton Pet Oct 15 Ord Nov 5
RICHARDSON, GEORGE, Preston, Lancs, Cabinet Maker Preston Pet Nov 7 Ord Nov 7
SCOTT, J. MAXWELL, Wimbledon, Surrey Kingston, Surrey Pet Sept 14 Ord Nov 7
SHERWIN, NOAH, Boulton, Derbyshire, Farmer Derby Pet Oct 26 Ord Nov 5
SMART, HENRY, Petersfield, Hants, Farmer Portsmouth Pet Nov 4 Ord Nov 4
STOTTER, THOMAS WILLIAM, Walthamstow, Brickmaker High Court Pet Nov 7 Ord Nov 7
TAYLOR, THOMAS HENRY, Burton on Trent, Bicycle Dealer Burton on Trent Pet Nov 7 Ord Nov 7
TURNER, ROBERT HARRY, Norbury, Farmer Croydon Pet Oct 19 Ord Nov 4
WAKEFIELD, H, Lawrance lane, Blouse Manufacturer High Court Pet Oct 20 Ord Nov 5
WALKER, JOHN, Birmingham, Grocer Birmingham Pet Nov 4 Ord Nov 6
WILSMAN, HENRY ST JOHN, Sydenham, Financial Agent High Court Pet Nov 6 Ord Nov 6
WILLGOOSE, ARTHUR, Derby, Plumber Derby Pet Nov 7 Ord Nov 7
WISE, JOHN THOMAS, Norton, nr Stockton on Tees, Farmer Middlesborough Pet Nov 4 Ord Nov 4
WOOLLEY, JOHN, Nottingham, Fish Salesman Nottingham Pet Nov 6 Ord Nov 6

Amended notice substituted for that published in the London Gazette of Oct. 27:

SEAL, WILLIAM GARRICK, Irlam, Lancs Manchester Pet Oct 1 Ord Oct 22

Amended notice substituted for that published in the London Gazette of Nov. 6:

BRAUN, SAMUEL PETER, Gracechurch st, Merchant High Court Pet July 10 Ord Aug 11

ORDER RESCINDING RECEIVING ORDER.

JAMES, EDWARD BOSVILLE, Blomfield rd, Maida vale, Lieut.-Colonel High Court Rec Ord Sept 18 Resc Nov 6

FIRST MEETINGS.

ALLEN, JAMES WALKDEN, Wigan, Licensed Victualler Nov 19 at 10.30 Court House, King st, Wigan
ANDREWS, WILLIAM, Carmarthen, Licensed Victualler Nov 17 at 12 Off Rec, 4, Queen st, Carmarthen
BANNER, HARRY TIMOTHY, Gt Malvern Nov 19 at 11.15 Off Rec, 45, Copenhagen st, Worcester
BANNISTER, GEORGE, Luton, Beds, Corn Merchant Nov 21 at 11 Court House, Luton
BATES, CHARLES, Hackney, Farmer Nov 17 at 11 Bankruptcy bldgs, Carey st
BRADLEY, GEORGE, Castleford, Solicitor Nov 20 at 11 Bankruptcy bldgs, Carey st
BRAUN, SAMUEL PETER, Gracechurch st, Merchant Nov 20 at 12 Bankruptcy bldgs, Carey st
CHADWICK, DAVID, Bolton, Furniture Broker Nov 20 at 11 16, Wood st, Bolton
CLAYTON, GEORGE, Skegby, Notts, Shoemaker Nov 17 at 12 Off Rec, St Peter's Church walk, Nottingham
COPESTAKE, CHARLES FREDERICK, Sheffield, Greengrocer Nov 17 at 2.30 Off Rec, Figtree ln, Sheffield
CHRISTEN, A, Gt Russell st, Bedford sq, Advertising Contractor Nov 17 at 2.30 Bankruptcy bldgs, Carey st
COTTERILL, JAMES HENRY, and GEORGE BUTLER, Worcester Coal Merchants Nov 19 at 11.30 Off Rec, 45, Copenhagen st, Worcester
DE BERENSBERG, VICTOR CLAVER, Haverfordwest Nov 17 at 3 Off Rec, 4, Queen st, Carmarthen
EVANS, WILLIAM, Gloucester mews, Cabowner Nov 17 at 12 Bankruptcy bldgs, Carey st
FITTER, MATTHEW ALEXANDER, Sutton Coldfield, Solicitor Nov 18 at 11 23, Colmore row, Birmingham
GARSIDE, JABEZ, Oldham, Wholesale Baker Nov 18 at 3 Off Rec, Bank chmbrs, Queen st, Oldham
GOUGH, GEORGE, Cardiff Nov 18 at 11 Off Rec, 29, Queen st, Cardiff
GRIFFITHS, THOMAS, Wednesbury, Staffs Nov 19 at 11.30 Off Rec, Walsall
GROOME, FREDERICK, Kettering, Boot Manufacturer Nov 18 at 12.30 County Court bldgs, Northampton
GRUNDY, FREDERICK, Northwich, Timber Merchant Nov 20 at 10.45 Royal Hotel, Crewe
HANNEY, BLANCHE, Marylebone Nov 17 at 2.30 Bankruptcy bldgs, Carey st
HATCHWELL, ALICE, Oxford st Nov 18 at 2.30 Bankruptcy bldgs, Carey st
HENLEY, WILLIAM GORDON, Maidenhead Nov 17 at 11 Bankruptcy bldgs, Carey st
HOLLAND, MARY, Birstal, Yorks, Milliner Nov 17 at 11 Off Rec, 31, Manor row, Bradford
HUMPHREY, JOHN PRIOR, Harlesden, Builder Nov 18 at 12 Bankruptcy bldgs, Carey st
IRVING, WESTON BROWN, Hanley, Staffs, Tailor Nov 19 at 11.15 Off Rec, King st, Newcastle under Lyme
JOHNSON, SAMUEL, Pemberton, Grocer Nov 19 at 10 Court house, King st, Wigan
JONES, HUGH, Rhos-colyn, Anglesey, Farmer Nov 18 at 1.45 Marine Hotel, Holyhead
KELLY, RICHARD HENRY, Holborn viaduct, Diamond Merchant Nov 18 at 12 Bankruptcy bldgs, Carey st
KNIGHT, J B, Conduit st Nov 18 at 1 Bankruptcy bldgs, Carey st
LEWIS, HENRY, Walsall, Baker Nov 19 at 11 Off Rec, Walsall
MASTERS, JAMES, Cardiff, Builder Nov 18 at 11.30 Off Rec, 29, Queen st, Cardiff
MILLER, ARTHUR, Keighley Nov 18 at 11 Off Rec, 31, Manor row, Bradford
MORGAN, WALTER, Arley Kings, Worcs, Licensed Victualler Nov 18 at 1.45 Spencer Thursfield, Solicitor, 12, Oxford st, Kidderminster
OSBORNE, JAMES, Kidderminster, Upholsterer Nov 18 at 2 Spencer Thursfield, Solicitor, 12, Oxford st, Kidderminster
POWERS, JAMES, Birmingham Nov 19 at 11 23, Colmore row, Birmingham

BRIGHILL, JOHN, Worksop Nov 17 at 3 Off Rec, Figtree lane, Sheffield

RENVE, HASTINGS JOHN, Wormwood Scrubbs Nov 17 at 12 Bankruptcy bldgs, Carey st

RITSON, CHARLES, Hastings, Boot Maker Nov 23 at 3 Young & Sons, Bank bldgs, Hastings

SEAL, WILLIAM GARRICK, Irlam, Lancs Nov 18 at 3 Ogden's chmbrs, Bridge st, Manchester

SHAW, GEORGE HENRY, Fenton, Staffs, Plumber Nov 19 at 11.45 Off Rec, King st, Newcastle under Lyme

SHEATON, THOMAS, Birmingham, Draper's Assistant Nov 20 at 11 23, Colmore row, Birmingham

SMITH, CHARLES THOMAS, Whitby, Yorks, Tobacconist Nov 18 at 3 Off Rec, 8, Albert rd, Middlesborough

STUART, HAROLD C, Liverpool Nov 18 at 12 Off Rec, Victoria st, Liverpool

TOWERS, ALFRED, Clapham, Clerk Nov 20 at 11 Bankruptcy bldgs, Carey st

TRICKETT, THOMAS, Weston, nr Crewe, Farmer Nov 20 at 11.15 Royal Hotel, Crewe

ULLMANN, CHARLES, Fulham rd, Oyster Merchant Nov 18 at 1 Bankruptcy bldgs, Carey st

WATTS, JOHN HENRY, Shepton Mallet, Fishmonger Nov 18 at 12 Off Rec, Bank chambers, Corn st, Bristol

WENDT, AUGUSTUS, Southampton row, Bloomsbury, Corset Maker Nov 19 at 12 Bankruptcy buildings, Carey st

WILLIAMS, DAVID, Blaengarw, Glam, Haulier Nov 17 at 11.30 Off Rec, 29, Queen st, Cardiff

ADJUDICATIONS.

ALLEN, JAMES WALKDEN, Wigan, Lancs, Licensed Victualler Wigan Pet Nov 5 Ord Nov 5

ASHBY, ELIZABETH, Newport, I W Newport Pet Nov 6 Ord Nov 6

BAKER, THOMAS, Dudley, Worcs, Glass Dealer Dudley Pet Nov 3 Ord Nov 6

BANNER, HARRY TIMOTHY, Gt Malvern Worcester Pet Nov 5 Ord Nov 5

BROAD, FRANK, Hoo, nr Rochester, Dairyman Rochester Pet Nov 6 Ord Nov 6

BUTLER, W C, Newcastle upon Tyne, Restaurant Proprietor Newcastle on Tyne Pet Oct 27 Ord Nov 6

CHADWICK, DAVID, Bolton, Lancs, Furniture Broker Bolton Pet Nov 6 Ord Nov 6

CLARKE, JAMES PAYNY, Beeralston, Devons, Baker Plymouth Pet Oct 31 Ord Nov 6

CLEAVER, EDWARD, New Malden, Surrey Kingston, Surrey Pet Sept 23 Ord Nov 7

CRESSER, GEORGE MICHELMORE, Bristol Bristol Pet Oct 30 Ord Nov 5

DE BERNSENBRO, VICTOR CLAVER, Haverfordwest Pembroke Dock Pet Oct 26 Ord Nov 7

DEXTER, MARY ELLEN, and MARY ELIZABETH GELSTHORPE, Shepshed, Leicester, Boot Manufacturers Leicester Pet Nov 5 Ord Nov 6

DRAGE, WILLIAM HICKMAN, Northampton, Pawnbroker Northampton Pet Oct 1 Ord Nov 7

GILL, WALTER JAMES, Goole, Yorks, Commission Agent Wakefield Pet Nov 6 Ord Nov 6

GREEVES, JOHN WILLIAM, St Martin's House, Gresham st, Exhibition Promoter High Court Pet Oct 17 Ord Nov 7

HICKS, HENRY, Leyton, Essex High Court Pet Oct 7 Ord Nov 4

HILL, JAMES, Southampton Southampton Pet Sept 23 Ord Nov 5

JACOBS, PHILIP DAVID, and ANGELO JACOBS, Arundel pl, Haymarket, Glass Merchants High Court Pet Aug 5 Ord Nov 6

JELLY, HUGH, Leicester, Boot Manufacturer Leicester Pet Nov 6 Ord Nov 7

JOHNSON, SAMUEL, Pemberton, Lancs, Grocer Wigan Pet Nov 5 Ord Nov 5

LIVINGSTONE, JOHN, Leeds, Coal Agent Leeds Pet Nov 6 Ord Nov 6

LUSCOMBE, ALEXANDER PETER, Loddiswell, Devons, Farmer Plymouth Pet Nov 6 Ord Nov 6

MATHIAS, ANTHONY, Tenby, Pembrokes, Boot Maker Pembroke Dock Pet Nov 5 Ord Nov 5

MUTTON, JOHN, St Stephens, Cornwall, Mason Plymouth Pet Nov 6 Ord Nov 6

NEWSOME, HERBERT, Leeds, Joiner Leeds Pet Nov 6 Ord Nov 6

NEWTON, ROBERT, Glossop, Derbys, Slater Ashton under Lyne Pet Nov 6 Ord Nov 6

PARKINS, GARNET, Baker st, Lloyd's sq High Court Pet Oct 8 Ord Nov 4

REEVE, HASTINGS JOHN, Wormwood Scrubbs, Victualler High Court Pet Sept 11 Ord Nov 4

RICHARDSON, GEORGE, Preston, Lancs, Cabinet Maker Preston Pet Nov 7 Ord Nov 7

SEAL, WILLIAM GARRICK, Irlam, Lancs Manchester Pet Oct 1 Ord Nov 5

SHAW, GEORGE HENRY, Fenton, Staffs, Plumber Stoke upon Trent Pet Nov 4 Ord Nov 7

SHARY, HENRY, Petersfield, Hants, Farmer Portsmouth Pet Nov 4 Ord Nov 4

SHEATON, THOMAS, Birmingham, Draper's Assistant Birmingham Pet Oct 27 Ord Nov 5

SMITH, CHARLES ALFRED, Bournemouth, Cabinet Maker Poole Pet Oct 9 Ord Nov 6

ST JOHN, HARRY, Gray's inn passage, Holborn, Carpenter High Court Pet Oct 1 Ord Oct 29

STUART, HAROLD C, Liverpool Liverpool Pet Aug 15 Ord Nov 6

TAYLOR, THOMAS HENRY, Burton on Trent, Bicycle Dealer Burton on Trent Pet Nov 7 Ord Nov 7

WILLGOOSE, ARTHUR, Derby, Plumber Derby Pet Nov 7 Ord Nov 7

WISE, JOHN THOMAS, Norton, nr Stockton on Tees, Farmer Stockton on Tees Pet Nov 4 Ord Nov 4

WOOLLEY, JOHN, Nottingham, Fish Salesman Nottingham Pet Nov 6 Ord Nov 6

ADJUDICATION ANNULLED.

DUNN, JAMES COLMORE, Ormiston rd, Uxbridge rd, Gent High Court Adjud Aug 2, 1893 Annul Nov 6, 1896